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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK S.D. OF N.Y.

ROBERT G. LOPEZ, an individual,)

Plaintiff,)

v.)

Civil Action No. 17 CV 8493 (LAP)

ZAZZLE, INC.,)

JURY TRIAL DEMANDED

CAFEPRESS, INC.,)

ETSY, INC.,)

SPIRIT SHOP, INC.,)

MYLOCKER, L.L.C.)

SECOND AMENDED COMPLAINT

ROBERT HAKE,)

SPREADSHIRT, INC.,)

PIXELS.COM, LLC D/B/A Fine Art)

America and www.fineartamerica.com,)

SEAN T. BROIHIER,)

FASTLY, INC.,)

MICROSOFT CORPORATION,)

HOSTWAY CORPORATION,)

SHOPIFY (USA) INC.,)

GODADDY.COM, LLC,)

AMAZON.COM, LLC,)

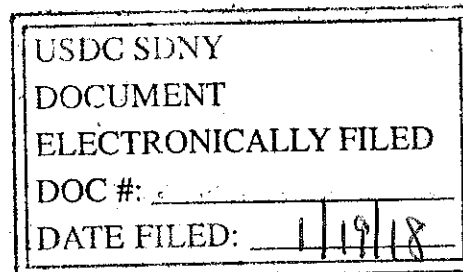
FOOT LOCKER STORES, INC.,)

BRAIN BUSTER ENTERPRISES, LLC,)

AKAMAI TECHNOLOGIES, INC., and)

ACQUIA INC.)

Defendants.)



**COMPLAINT FOR TRADEMARK INFRINGEMENT,
COPYRIGHT INFRINGEMENT, UNFAIR COMPETITION AND RELATED CLAIMS**

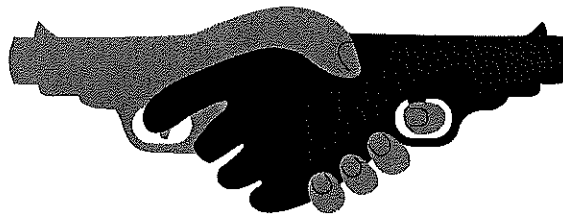
Plaintiff, Robert G. Lopez, alleges his complaint against Defendants, Zazzle, Inc., Cafepress, Inc., Etsy, Inc., Spirit Shop, Inc., MyLocker, L.L.C., Robert Hake, Spreadshirt, Inc., Pixels.com, LLC d/b/a Fine Art America, Sean T. Brohier, Fastly, Inc., Microsoft Corporation, Hostway Corporation, Shopify (USA) Inc., Godaddy.com, LLC, Amazon.com, LLC, Foot

Locker Stores, Inc., Brain Buster Enterprises, LLC, Akamai Technologies, Inc., and Acquia Inc. as follows:

NATURE OF THE ACTION

1. This action arises from Defendants infringement of Plaintiff's "ownership" and exclusive "use" rights in the marks, **LOWER EAST SIDE™** and **LES NYC®**, in conjunction with clothing and related goods. Despite Plaintiff being the registered owner of the trademarks **LOWER EAST SIDE™** and **LES NYC®** and offering various clothing items under such brand names, the Defendants have infringed Plaintiff's rights in the aforementioned marks by manufacturing, printing, producing, promoting, selling, and offering for sale clothing items under Plaintiff's trademarks. Plaintiff has already experienced "actual confusion" in connection with this matter and is likely to continue to experience confusion as to the affiliation or connection between the Defendants and Plaintiff resulting in the unjust enrichment of Defendants by using Plaintiff's registered trademarks and copyrights.

Defendant Zazzle, Inc. in addition to its infringement of Plaintiff's trademarks referenced in this Complaint, has also copied, published, reproduced and exploited the design depicted below on clothing and other similar goods and items, which infringes Plaintiff's federally registered copyright for the work titled "**Trust No One T-Shirt Design**":



Defendant Etsy, Inc. in addition to its infringement of Plaintiff's trademarks referenced in this Complaint, has also copied, published and exploited a photograph in connection with the sale and promotion of a Snapback cap, which infringes Plaintiff's "**L Hand Design**" copyright.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 15 U.S.C. §1051 *et seq.*, 15 U.S.C. Sections 1114-1116; under Section 43(a) of the Trademark Act, 15 U.S.C. §1125(a), Section 43(c) of the Trademark Act, 15 U.S.C. §1125(c), 17 U.S.C. §101, *et. seq.*, 17 U.S.C. §501-509 and 28 U.S.C. §1367..

3. This Court has personal jurisdiction over the Defendants because Defendants engage in continuous and significant business activities in, and directed to the State of New York within this judicial district and because Defendants have committed tortuous acts aimed at and causing harm within the State of New York and this judicial district.

4. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c) because it is where Plaintiff resides and the Defendants transacts business in this district, and because a substantial portion of the events giving rise to the asserted claims have occurred, and continue to occur, within this district. Furthermore, the damage to Plaintiff and its intellectual property described herein continues to occur in this judicial district. Defendants also advertise, market and sell goods in this district via the internet or directly.

THE PARTIES

5. Plaintiff, Robert G. Lopez is an individual residing at 230 Clinton Street, Apt. #11C, New York, NY 10002.

6. Upon information and belief, Defendant Zazzle, Inc. is a California corporation with a principal place of business at 1800 Seaport Blvd, Redwood City, California 94063.

7. Upon information and belief, Defendant Cafepress, Inc. is a Delaware corporation with a principal place of business at 11909 Shelbyville Road, Louisville, Kentucky 40243.

8. Upon information and belief, Defendant Etsy, Inc. is a Delaware corporation with a principal place of business at 117 Adams Street, Brooklyn, New York 11201.

9. Upon information and belief, Defendant Spirit Shop, Inc. is a Delaware corporation with a principal place of business at 1300 Rosa Parks, Detroit, Michigan 48216.

10. Upon information and belief, Defendant Mylocker, L.L.C. is a Michigan Limited Liability Company with a principal place of business at 1300 Rosa Parks, Detroit, Michigan 48216.

11. Upon information and belief, Defendant Robert Hake, is an individual with residence currently unknown to Plaintiff but Mr. Hake works and conducts business activities from his place of business at 1300 Rosa Parks, Detroit, Michigan 48216. Upon information and belief Mr. Hake is the Owner and Registered Agent of Spirit Shop, Inc. and MyLocker, L.L.C.

12. Upon information and belief, Defendant Spreadshirt, Inc. is a Delaware corporation with a principal place of business at 186 South Street, 3rd Floor, Boston, MA 02111.

13. Upon information and belief, Defendant Pixels.com, LLC d/b/a Fine Art America and www.fineartamerica.com, is an Illinois Limited Liability Company with a principal place of business at 1450 Second Street, Santa Monica, California 90401.

14. Upon information and belief, Defendant Sean T. Broihier is an individual with an address at 1450 Second Street, Santa Monica, California 90401. Defendant Sean T. Broihier is the founder, owner, and an executive Member of Pixels.com, LLC.

15. Upon information and belief Defendant Fastly, Inc. is a Delaware corporation with a principal place of business at 475 Brannan Street – Suite 300, San Francisco, CA 94107.

16. Upon information and belief Defendant Microsoft Corporation is a Washington corporation with a principal place of business at One Microsoft Way, Redmond, Washington 98052.

17. Upon information and belief Defendant Hostway Corporation is an Illinois corporation with a principal place of business at 100 N. Riverside, Chicago, Illinois 60606.

18. Upon information and belief Defendant Shopify (USA), Inc. is a Delaware corporation with a principal place of business at 33 Montgomery Street – Suite 750, San Francisco, CA 94104.

19. Upon information and belief, Defendant Godaddy.com, LLC. is a Delaware corporation with a principal place of business at 14455 N Hayden Rd. Suite 219, Scottsdale, Arizona 85260.

20. Upon information and belief, Defendant Amazon.com, LLC. is a Delaware corporation with a principal place of business at 410 Terry Ave. N, Seattle, Washington 98109.

21. Upon information and belief, Defendant Foot Locker Stores, Inc. is a Delaware corporation with a principal place of business at 330 W 34th Street, New York, New York 10001.

22. Upon information and belief, Defendant Brain Buster Enterprises, LLC. is a Florida Limited Liability Company with a principal place of business at 149 East 18th Street #2, New York, New York 10003.

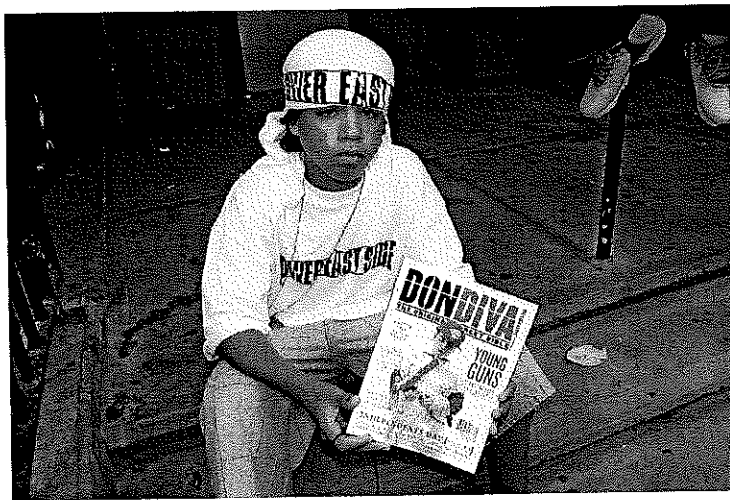
23. Upon information and belief, Defendant Akamai Technologies, Inc. is a Delaware corporation with a principal place of business at 150 Broadway, Cambridge, Massachusetts 02142.

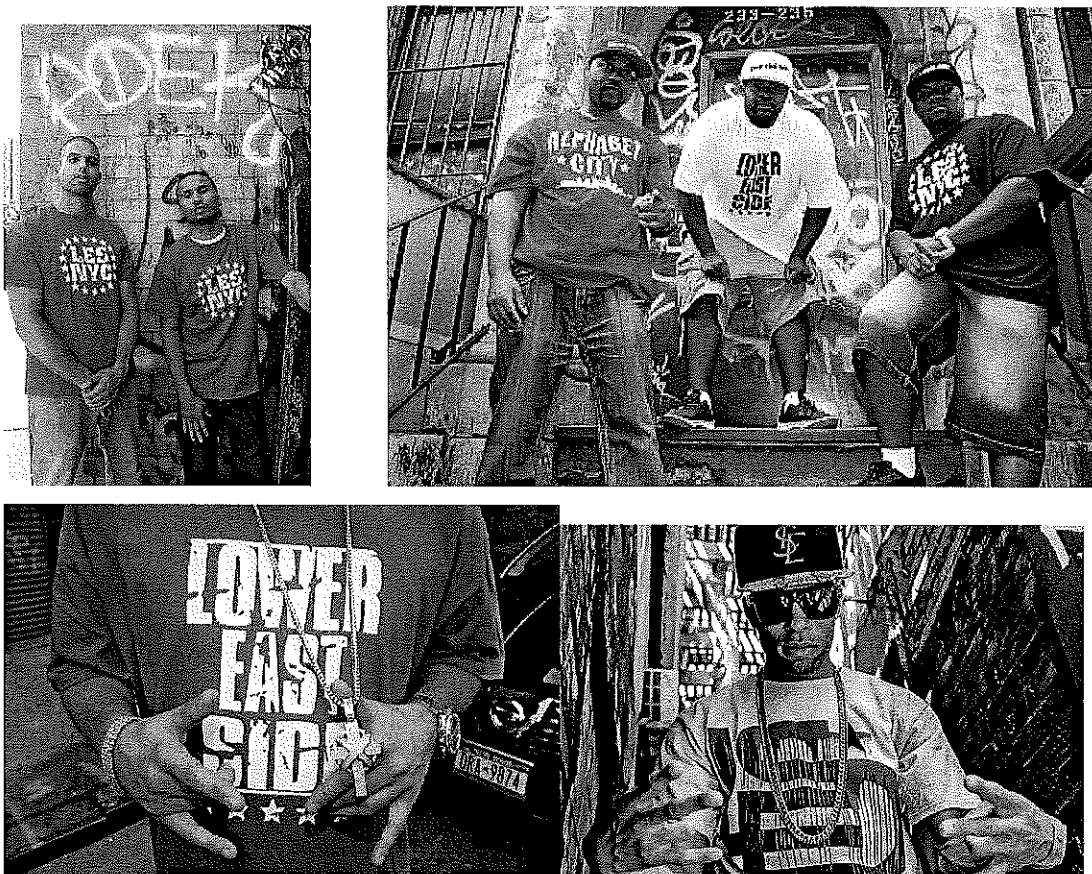
24. Upon information and belief, Defendant Acquia Inc. is a Delaware corporation with a principal place of business at 53 State Street – 10th Floor, Boston, Massachusetts 02109.

FACTS

25. Since at least as early as 1997, Plaintiff Robert G. Lopez has been selling headwear, t-shirts, sweaters, hooded sweatshirts and other clothing items under the **LOWER EAST SIDE™** and **LES NYC®** brand names.

26. Since at least as early as 1999, Plaintiff has been independently operating a clothing business under the trade name **L.E.S. CLOTHING CO.™**, which has sold headwear, t-shirts, sweaters, hooded sweatshirts and other related clothing items under the marks **LOWER EAST SIDE™**, **LEST™** and **LES NYC®**. Since at least as early as 2010, Plaintiff has also been selling clothing items under the mark **LOYALTY EQUALS STRENGTH™** which is an additional representation of what the **LEST™** acronym stands for and represents.

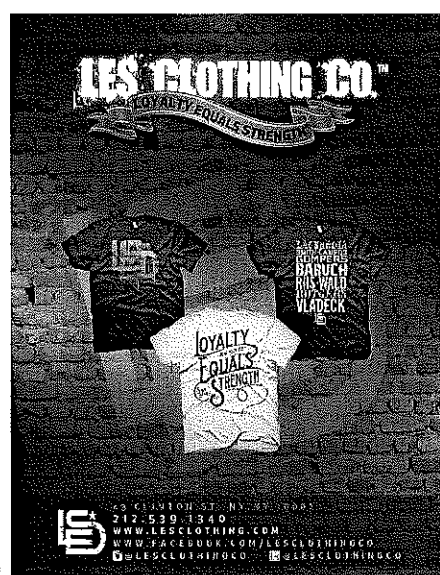




27. In addition to selling and offering for sale clothing items under the **LOWER EAST SIDE™**, **LES NYC®**, **LEST™** and **LOYALTY EQUALS STRENGTH™** brand names and trademarks, Plaintiff has also continuously sold and offered for sale various clothing items including caps, hooded sweatshirts and t-shirts which bear the **THE LOWER™**, **LOWER EAST SIDE™**, **LEST™** and **LES NYC®** marks in various font and design styles which are prominently displayed on the front and/or back of the headwear, t-shirts and/or sweaters as well as printed on hang tags, clothing labels, stickers and on clothing product packaging materials.

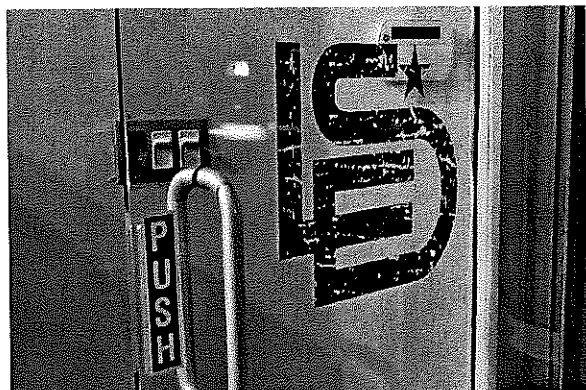
28. Plaintiff uses the ®, ™ and © symbols on product packaging materials, hang tags, and on promotional materials such as flyers, banners, business cards, etc. to put the public on constructive notice that Plaintiff is claiming trademark rights in the **LOWER EAST SIDE™** and **LES NYC®** brand names. Plaintiff also uses the aforementioned copyright symbol to also put the public on constructive notice that he is claiming copyright in some of the specific

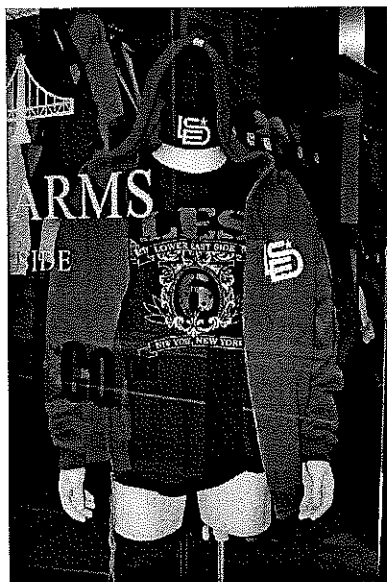
LOWER EAST SIDE™ and **LES NYC®** stylized designs that are released, sold and offered for sale by Plaintiff and his **LES CLOTHING CO.™** business.





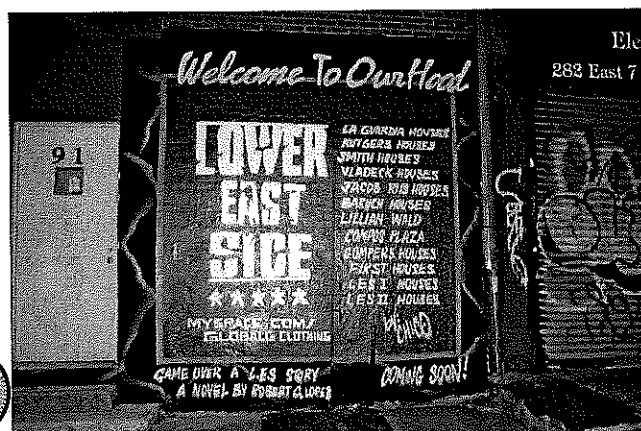
29. Plaintiff sells, and promotes the sale of his clothing via his website www.lesclothing.com, through flyer order forms, and his t-shirts, sweaters, caps and other clothing items are also available for sale in several retail locations in New York and other States. From 2012 to 2015, Plaintiff also maintained and operated a Flagship **LES Clothing Co.™** store located at 43 Clinton Street, New York, NY 10002.

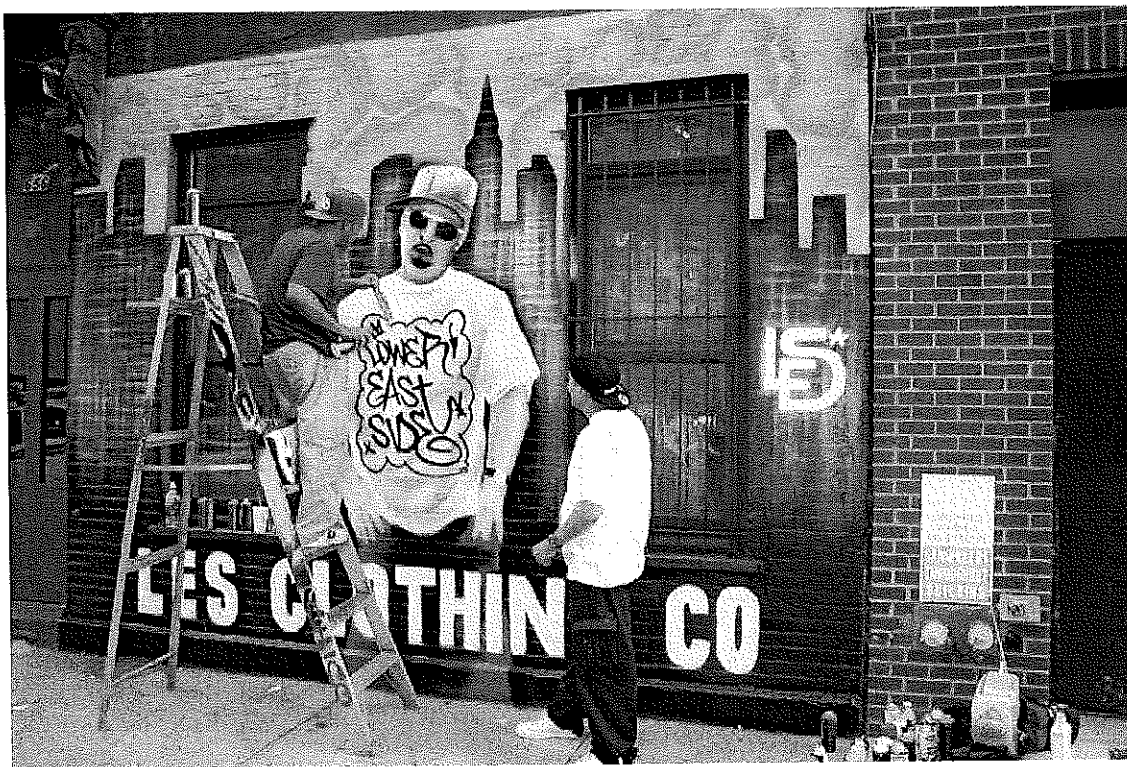




30. Plaintiff advertises his **LES CLOTHING CO™**, **LOWER EAST SIDE™**, **THE LOWER™**, **LEST™** and **LES NYC®** brands and clothing items through flyers, posters, stickers and through grass root street marketing methods such as painted “street murals.” Plaintiff also regularly conducts photo shoots of customers who purchase his **LOWER EAST SIDE™** and **LES NYC®** clothing items to be included in magazine advertisements and other marketing materials.

31. Plaintiff has a social media following of over twenty thousand 20,000 combined followers for his **LOWER EAST SIDE™** and **LES NYC®** clothing products and with his sponsored and/or affiliated social media friends and followers each individual post and product offering reaches an audience in the range of a hundred thousand 100,000 social media users and potential consumers of his clothing products.





32. In addition to the **LOWER EAST SIDE™**, **LEST™** and **LES NYC®** designs depicted in the images above, Plaintiff also sells clothing including but not limited to some of the following **LOWER EAST SIDE™** and **LES NYC®** designs depicted below:

LOWER EAST SIDE
BRAVEHEARTS

I ♥
LES

*Lower
East
Side*

★ LOWER ★
EAST SIDE

LOWER
EAST
SIDE
★★★★★

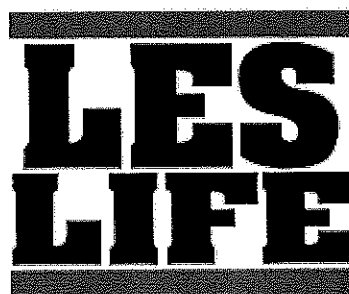


LOWER EAST SIDE



*Lower
★ East ★
Side*

*Lower
Fast
Side





33. The **LOWER EAST SIDE™** and **LES NYC®** brands and marks have acquired “**secondary meaning**” in the marketplace in connection with the sale and offering of clothing goods under the aforementioned brand names based on Plaintiff’s continuous and long standing use of the marks in the apparel industry for approximately 19 years.

34. When consumers of clothing products encounter the **LOWER EAST SIDE™** and **LES NYC®** marks in connection with apparel, they associate the **LOWER EAST SIDE™** and **LES NYC®** marks with Plaintiff and his **LES CLOTHING CO.™** company.

35. Plaintiff’s **LOWER EAST SIDE™** and **LES NYC®** clothing products enjoys a superlative reputation in the apparel industry.

36. Plaintiff’s **LOWER EAST SIDE™** and **LES NYC®** clothing items have been endorsed and worn by celebrities, actors and musicians, including but not limited to actor Luis Guzman and Curtis “50 CENT” Jackson.

37. Plaintiff’s **LOWER EAST SIDE™** and **LES NYC®** clothing items have also appeared in movies and on television shows including but not limited to **VH1’s BLACK INK CREW**, and **VH1’s LOVE & HIP HOP** television shows.

38. Plaintiff’s **LOWER EAST SIDE™** and **LES NYC®** clothing items have been featured and advertised in national publications including but not limited to **XXL Magazine** and **Don Diva Magazine**.

39. Since at least as early as 2007, Plaintiff has been building a portfolio that consists of various trademarks and copyrights that act as business assets for his **LES CLOTHING CO.™** business.

40. Plaintiff only claims “exclusive use” rights of the **LOWER EAST SIDE™** and **LES NYC®** in connection with apparel and the promotion and sale thereof.

41. Plaintiff licenses the **LOWER EAST SIDE™** mark to third party clothing companies to be used on clothing goods under his direct control and authorization.

42. Plaintiff is the registered owner of New York State Trademark Registration No. R31067 and R32849 both for the mark **LOWER EAST SIDE™**. (See Exhibit A).

43. Plaintiff is the registered owner of United States Trademark Registration No. 4,549,880 for the mark **LES NYC®** which is the abbreviation and/or acronym for the mark **LOWER EAST SIDE NEW YORK CITY™** and **LOYALTY EQUALS STRENGTH NEW YORK CITY**. (See Exhibit B).

44. Plaintiff is the registered owner of United States Copyright Registration No. VA 1-765-666 for the work under the title L.E.S. Cap. (See Exhibit C).

45. Plaintiff is the registered owner of United States Copyright Registration No. VA 1-775-922 for the work under the title 537 design (“**the 537 numbers turned upside down spell LEST™**”). (See Exhibit D).

46. Plaintiff is the registered owner of United States Copyright Registration No. VA 1-818-626 for the work under the title “L Hand” Design which L design is a representation for **LEST™** and **LOWER EAST SIDE™**. (See Exhibit E).

47. The mark **LOWER EAST SIDE®** is a federally registered trademark under United States Trademark Registration No. 2,416,437 that has been rendered “**incontestable**” under Section 15 of the Trademark Act and is therefore not open to challenge as to its function as a trademark and brand name as it has been in continuous use as a brand name in excess of fifteen (15) years. (See Exhibit F).

48. Plaintiff has a Co-Existence Agreement with Payless Shoesource Worldwide, Inc. who is the owner of United States Trademark Registration No. 2,416,437 for the mark **LOWER**

EAST SIDE®, which allows the parties to co-exist in the marketplace and both utilize the **LOWER EAST SIDE™** mark but limits Payless's use of the mark to "footwear" and grants and/or limits Plaintiff's rights in the **LOWER EAST SIDE™** mark to "t-shirts, sweaters, headwear" and all other forms of clothing that exclude footwear.

49. By virtue of his Co-Existence Agreement with Payless Shoesource Worldwide, Inc. regarding use of the **LOWER EAST SIDE®** mark, Plaintiff claims joint ownership in United States Trademark Registration No. 2,416,437 for the mark **LOWER EAST SIDE®** and has standing to bring this trademark infringement action under all applicable federal laws and statutes.

50. Although Plaintiff has been using his **LOWER EAST SIDE™** and **LES NYC®** marks since at least 1997, in 2007, Plaintiff took the necessary precautions in protecting his business assets and began building a portfolio of various trademark and copyrights assets to protect the brand names, designs and images that he offers under his **LES CLOTHING CO.™** apparel business.

51. As a small business owner, Plaintiff has aggressively policed and enforced his rights in his intellectual property business assets against clothing retailers and ecommerce entities that manufacture, print, advertise, promote, sell and/or offer for sale clothing and similar items that violate Plaintiff's trademarks and/or copyrighted designs.

52. Founded in 1999 but publicly launched in 2005, Zazzle is an e-commerce vendor that allows its users and account holders to upload images and designs of artwork, slogans, brand names, and/or other designs that Zazzle then manufactures and prints on novelty items such as t-shirts, caps, hoodies, sweatshirts, baseball jerseys, travel bags, mouse pads, greeting cards, and a myriad of other similar products. These products are then offered for sale to the public.

53. Defendant Zazzle has over 600,000 designers. These designers are mainly individuals who set up an account with Zazzle, upload images and/or design artwork to the

www.zazzle.com website, and receive a small royalty for the products that are sold containing reproductions of the images and/or designs.

54. The designers are also able to choose a royalty rate to receive in connection with any product that is sold by Zazzle in connection with that individual's uploaded images. Zazzle starts with a base product price and the designer chooses the royalty rate to receive on top of the base price, which increases the product price to account for the royalty rate. Consequently, Zazzle makes a set amount for each product that it sells, regardless of the designer, the royalty rate, or the image printed.

55. Zazzle holds a large inventory of blank items (e.g., shirts, caps, sweaters, etc.) at its print and production warehouse and it prints images of those items only after a product is ordered by an end user buyer through the www.zazzle.com website.

56. When a buyer purchases an item from the www.zazzle.com website a Zazzle employee or contractor will take a blank version of that item from the Zazzle warehouse and print and/or otherwise manufacture the selected item bearing the image, design, slogan or name. Zazzle then packages and ships the product to the consumer.

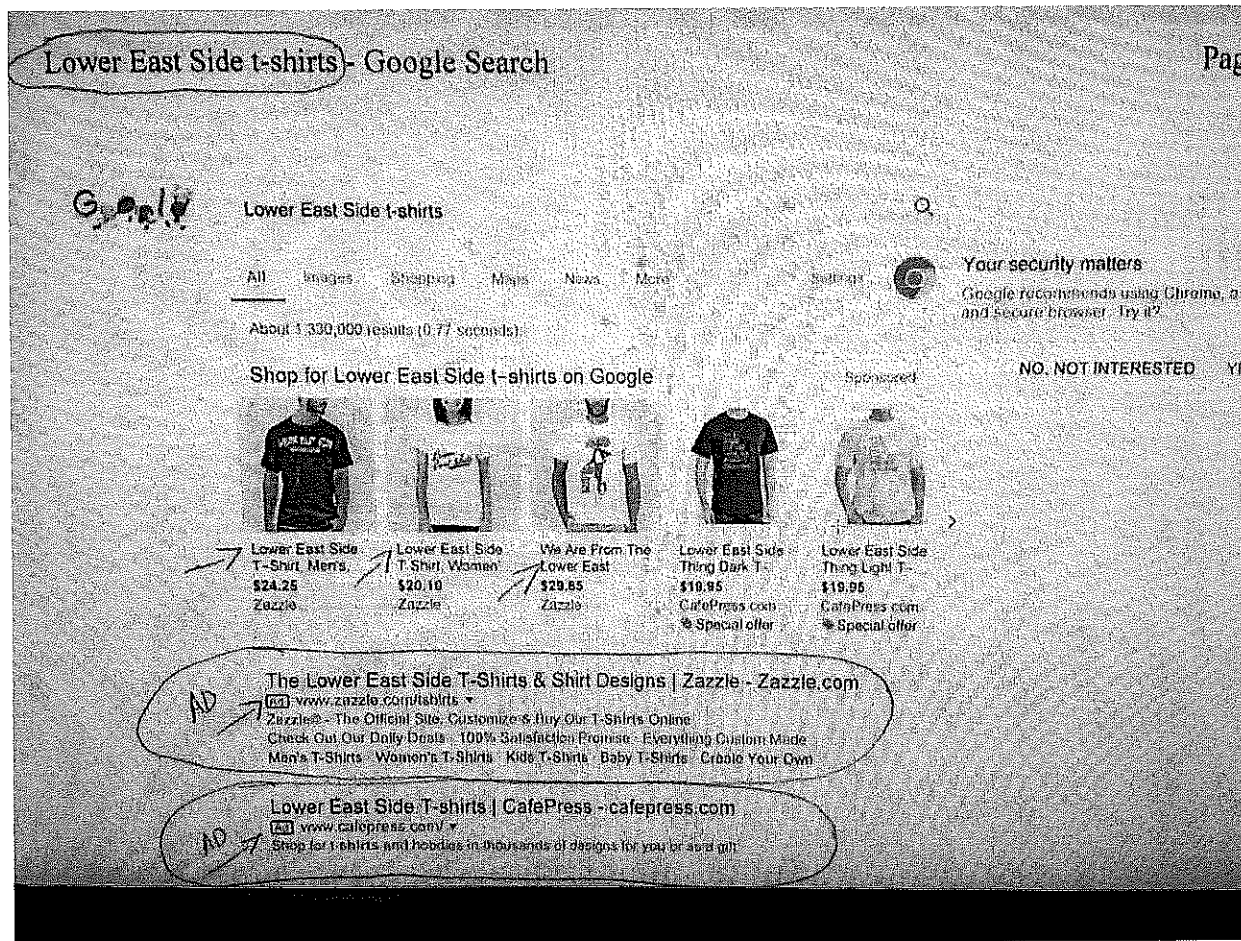
57. Zazzle manages all material aspects of the transactions conducted on its website, including internet hosting, marketing, search engine optimization, production of merchandise, shipping, invoicing, billing, product return, and refunds. The third party designers role is limited to only uploading images, choosing the items to offer in connection with the images, names or slogans, setting the royalty rate and waiting for a royalty check to come in.

58. Zazzle knows that a large amount of images, names and or slogans it prints that are uploaded by its third party designers are infringing the copyright and/or trademark rights of others. Despite this knowledge, Zazzle does very little to protect the rights of intellectual property owners.

59. Plaintiff is informed and believes and thereon alleges that Defendant Zazzle, Inc. is manufacturing, marketing, promoting, selling and offering for sale an extensive catalogue of apparel items including t-shirts and other similar clothing items bearing Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** marks on its website www.zazzle.com. The aforementioned use by Zazzle violates Plaintiff's trademark rights in the aforementioned marks. (See Exhibit G).

60. Defendant Zazzle is also bidding and purchasing adwords under Plaintiff's **LOWER EAST SIDE™** trademark that is directing consumers looking for Plaintiff's clothing to Zazzle's website to purchase its clothing products instead. The aforementioned use of Plaintiff's trademark in search engine keyword advertising programs by Zazzle are a "use in commerce" of Plaintiff's brand name as shown in the image below.

61. Defendant Zazzle's use of Plaintiff's trademarks has already caused confusion and is likely to continue to cause confusion as to the source of clothing products under the **LOWER EAST SIDE™** and/or **LES NYC®** marks.



62. In addition to the **LOWER EAST SIDE™** and **LES NYC®** trademarks, Plaintiff also owns other trademarks and copyrights for various brand names, designs images and or photographs that he uses in connection with his **LES Clothing Co.™** apparel business.

63. In 2014, Plaintiff designed a t-shirt image to be offered under his **LES CLOTHING CO™**'s **LOYALTY EQUALS STRENGTH™** collection. The design was titled and included the words "**TRUST NO ONE**" and depicted the image below:



64. Plaintiff currently offers for sale and has been selling clothing under the Trust No One T-Shirt Design since at least 2014.

Plaintiff's Products under this design



Home > Frontpage > LES Clothing Co.™ "Trust No One" Tee



Home > Frontpage > LES Clothing Co.™ "Trust No One" Tee



LES Clothing Co.™ "Trust No One" Tee

\$14.99 ~~\$30.00~~



LES Clothing Co.™ "Trust No One" Tee

\$14.99 ~~\$30.00~~

65. Plaintiff is the registered owner of United States Copyright Registration No. VA 2-068-993 for the work under the title **"Trust No One T-Shirt Design."** (See Exhibit H).

66. Defendant Zazzle, without authorization or consent from Plaintiff has copied, reproduced, exploited, advertised, marketed, sold and offered for sale clothing items under Plaintiff's copyrighted Trust No One T-Shirt Design. A copy of the infringing design copied,

reproduced and offered for sale on clothing items by Zazzle is depicted in the image below from the www.zazzle.com website:



67. The above image sold and offered on clothing products by Zazzle copies constituent elements of Plaintiff's "Trust No One T-Shirt Design" copyright and constitutes copyright infringement. It is an identical copy and reproduction of the design portion of Plaintiff's registered copyright.

The above designed and unauthorized use of Plaintiff's copyrighted design by Zazzle is used on 153 products offered by Zazzle. Each separately advertised clothing item depicted in a different product offering is a separate and individual violation of Plaintiff's Trust No One T-Shirt Design copyright.

68. Defendant Zazzle was sent a DMCA notice regarding the infringement of Plaintiff's copyright prior to Plaintiff filing the current First Amended Complaint and did not act expeditiously in removing the infringement content.

69. Upon information and belief, Defendant Zazzle continues to print unauthorized copies of Plaintiff's copyright image and **LOWER EAST SIDE™** and **LES NYC®** trademarks on to Zazzle's blank item merchandise, which it then ships and sells to customers for a profit. (See Exhibit I).

70. A comparison of the above images makes it clear that the accused product is substantially similar and/or identical to the design content of Plaintiff's Trust No One T-Shirt Design. This violates Plaintiff's copyright in Trust No One T-Shirt Design.

71. Defendant Cafepress, Inc., similar to Zazzle, is an e-commerce business that is manufacturing, printing, marketing, promoting, selling and offering for sale an extensive catalogue of **LOWER EAST SIDE™** and **LES™** related apparel including t-shirts bearing Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** marks on its website www.cafepress.com which violate Plaintiff's trademark rights in the aforementioned marks. (See Exhibit J). On April 14, 2011, Plaintiff sent a Cease and Desist letter to Cafepress regarding its infringement of his **LOWER EAST SIDE™** and **LES NYC®** marks. (See Exhibit K). Despite Cafepress complying with Plaintiff's request back in 2011, it has resumed use of Plaintiff's mark in a blatant disregard for Plaintiff's IP rights which constitutes willful infringement.

72. Defendant Cafepress had knowledge of Plaintiff's ownership rights in the **LOWER EAST SIDE™** and **LES NYC®** marks and failed to implement any procedure that would prevent its account users from uploading content or designs that included Plaintiff's registered trademarks.

73. Defendant Cafepress is also bidding and purchasing adwords under Plaintiff's **LOWER EAST SIDE™** trademark that is directing consumers looking for Plaintiff's clothing to Cafepress' website to purchase its clothing products instead of Plaintiff's clothing items under

the **LOWER EAST SIDE™**, **LES™** or **LES NYC®** marks. The aforementioned use of Plaintiff's trademark in search engine keyword advertising programs by Cafepress is a "use in commerce" of Plaintiff's brand name for a profit.

74. Defendant Cafepress, Inc.'s use of Plaintiff's trademarks has already caused confusion and is likely to continue to cause confusion as to the source of clothing products under the **LOWER EAST SIDE™** and/or **LES NYC®** marks.

75. Defendant Etsy Inc. is an e-commerce business that is providing an online store and platform to purchase t-shirts, hoodies and other apparel and are publishing, exploiting, marketing, promoting, selling and offering for sale clothing items under designs that infringe Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** trademarks and that also violate Plaintiff's L Hand Design copyright from its website www.etsy.com. (See Exhibit L).

76. Defendant Etsy has been put on notice in regards to its infringement of Plaintiff's copyright and trademark and upon information and belief it continues to advertise, promote, sell and offer for sale clothing items that violate Plaintiff's trademark and/or other intellectual property rights. (See Exhibit M).

77. Defendant Etsy's continued use of Plaintiff's **LOWER EAST SIDE™** and/or **LES NYC®** marks is likely to continue to cause confusion as to the source of apparel products under the aforementioned marks.

78. Defendant Etsy's use of Plaintiff's trademarks is not considered a fair use as Etsy is using the marks for commercial business purposes and for a profit.

79. Defendant Etsy's infringement of Plaintiff's trademarks and copyrights is willful as Etsy is aware of the infringing content it is continuing to display, sell and offer for sale from its www.etsy.com website.

80. Defendant Etsy has the ability to manage, monitor and control the infringing activity that violates Plaintiff's trademarks and copyrights.

81. Defendant Spirit Shop, Inc. is the leading online retailer for what it claims to be officially licensed kindergarten through high school apparel in the United States. Spirit Shop is licensed by the National Federation of State High School Associations (NFHS) to sell branded products online where schools and school districts can earn royalties from the sale of branded products.

82. Spirit Shop sells through over 100,000 online school stores offering thousands of products with stock and customizable designs with no minimum orders that infringe Plaintiff's **LOWER EAST SIDE™** and/or **LES NYC®** trademarks.

83. Defendant Spirit Shop is providing an online store and platform to purchase t-shirts, hoodies, jerseys, sports uniforms and other clothing items under Plaintiff's **LOWER EAST SIDE™** and/or **LES NYC®** trademarks.

84. Defendant Spirit Shop is manufacturing, printing, marketing, promoting, selling and offering for sale an extensive catalogue of clothing items displaying and under Plaintiff's **LOWER EAST SIDE™** and/or **LES NYC®** trademarks and/or designs and images that violate Plaintiff's copyrights from its website www.spiritshop.com (See Exhibit N.)

85. Defendant Spirit Shop's use of Plaintiff's trademarks is not a fair use as Spirit Shop is using the marks for commercial business purposes and for a profit.

86. Defendant Spirit Shop's use of Plaintiff's trademarks has already caused confusion and is likely to continue to cause confusion as to the source of clothing products under the **LOWER EAST SIDE™** and/or **LES NYC®** marks.

87. Defendant Spirit Shop, Inc. has been put on notice of the infringement of Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** trademarks and it continues to

manufacture, print and ship clothing items bearing Plaintiff's trademarks to consumers in New York State and New York County.

88. Defendant Spirit Shop, Inc. has the ability to manage, monitor and control the infringing activity that violates Plaintiff's trademarks.

89. Upon information and belief, Defendant Spirit Shop was founded by Robert Hake which is its acting CEO and Mr. Hake is in direct control of the day to day business operations of Spirit Shop. Mr. Hake has direct control over the infringing activity being committed by Defendant Spirit Shop, Inc.

90. Defendant Mylocker, L.L.C. is a commonly owned business of Robert Hake in which he is its founder and CEO.

91. Defendant Mylocker, L.L.C. also an online retailer of custom apparel and sportswear and in conjunction with Defendant Spirit Shop, Inc. is providing an online store and platform to purchase t-shirts, hoodies, jerseys, sports uniforms and other clothing items and are manufacturing, printing, marketing, promoting, selling and offering for sale an extensive catalogue of clothing items displaying and under Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** trademarks and/or designs and images that violate Plaintiff's copyrights from the website www.spiritshop.com

92. Both Defendant's Spirit Shop and Mylocker operate in conjunction with each other and conduct their business activities from the 1300 Rosa Parks, Detroit, Michigan 48216 location and apparel production facility.

93. Defendant Robert Hake, as the founder, owner and executive Member of Defendants Spirit Shop and Mylocker, has the right and ability to supervise the infringing activity alleged herein, and has a direct financial interest in Defendants Spirit Shop and Mylocker, and as such is jointly and severally liable with Defendants Spirit Shop and Mylocker.

94. Defendant Spreadshirt, Inc. is an e-commerce retailer and is providing an online store and platform to purchase t-shirts, hoodies and other merchandise and are manufacturing, printing, marketing, promoting, selling and offering for sale via its website www.spreadshirt.com clothing items promoted under Plaintiff's **LOWER EAST SIDE™** trademark.

95. Defendant Spreadshirt, Inc. is also hosting and managing an online web store under the URL <https://shop.spreadshirt.com/hoodpolitikz> that is selling and offering for sale t-shirts that violate and infringe on Plaintiff's **LOWER EAST SIDE™** and/or **LES NYC®** trademarks. (See Exhibit O).

96. Defendant Spreadshirt, Inc.'s use of Plaintiff's trademarks has already caused confusion and is likely to continue to cause confusion as to the source of clothing products under the **LOWER EAST SIDE™** and/or **LES NYC®** marks.

97. Defendant Spreadshirt Inc's use of Plaintiff's trademarks is not a fair use as SpreadShirt is using the marks for commercial business purposes and for a profit.

98. Defendant Spreadshirt, Inc. has the ability to manage, monitor and control the infringing activity that violates Plaintiff's trademarks.

99. Defendant Spreadshirt, Inc. is aware and has knowledge of Plaintiff's ownership rights in the **LOWER EAST SIDE™** and **LES NYC®** marks.

100. Defendant Pixels.com, LLC d/b/a Fine Art America and www.fineartamerica.com, according to its website is the world's largest art marketplace and print-on-demand technology company. With just a few clicks, artists and photographers can upload their images to fineartamerica.com, set their price for hundreds of different print-on-demand products and then instantly sell those products to a global audience online, mobile and real world buyers.

101. Defendant Pixels.com d/b/a Fine Art America fulfills each order on behalf of the artists, taking care of the printing, framing, matting, packaging, shipping, collecting payments from the buyers, and sending profits to the artists. Each product is manufactured at one of Pixels.com's 14 global production facilities and delivered ready to hang with a 30 day money back guarantee.

102. Plaintiff is informed and believes and thereon alleges that Defendant Pixels.com d/b/a Fine Art America, is manufacturing, printing, marketing, promoting, selling and offering for sale apparel items including t-shirts and other similar clothing items bearing Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** marks on its website www.fineartamerica.com. The aforementioned use by Pixels.com violates Plaintiff's trademark rights in the aforementioned marks. (See Exhibit P).

103. Defendant Pixels.com d/b/a Fine Art America is also utilizing Plaintiff's **LOWER EAST SIDE™** trademark as a keyword in online advertising that is directing consumers looking for Plaintiff's clothing to the www.fineartamerica.com website to purchase its clothing products instead under the headings, titles and product descriptions that include Plaintiff's **LOWER EAST SIDE™** and/or **LES NYC®** trademarks. The aforementioned use of Plaintiff's trademark by Pixels.com are a "use in commerce" of Plaintiff's brand name as shown in the image below.

104. When conducting a google search for “**Lower East Side T shirts**” consumers will be directed to a bold lettered advertisement that reads “**Lower East Side T-Shirts/Fine Art America** which directs consumers to the fineartamerica.com shop. The advertisement further reads “**Choose your favorite lower east side t-shirts from thousands of available designs. All lower east side t-shirts ship within 48 hours and include a 30 day...**”

105. Defendant Pixels.com is also bidding and purchasing adwords under Plaintiff’s **LOWER EAST SIDE™** trademark that is directing consumers looking for Plaintiff’s clothing to the www.fineartamerica.com website to purchase its clothing products instead of Plaintiff’s clothing items under the **LOWER EAST SIDE™**, **LES™** or **LES NYC®** marks. The aforementioned use of Plaintiff’s trademark in search engine keyword advertising programs by Pixels.com is a “use in commerce” of Plaintiff’s brand name for a profit.

106. Defendant Pixels.com is using an identical name to that of Plaintiff’s **LOWER EAST SIDE™** mark to promote the sale and offering of clothing and other similar products.

107. Defendant Pixels.com’s use of the **LOWER EAST SIDE™** name also violates and infringes on Plaintiff’s federally registered **LES NYC®** mark that is an abbreviated form of the mark **LOWER EAST SIDE NEW YORK CITY®**.

108. Defendant Pixel.com’s use of the mark **LOWER EAST SIDE™** in connection with clothing is likely to continue to cause confusion between Plaintiff’s **LES NYC®** mark as both marks under trademark law are deemed phonetic equivalents.

109. Defendant’s use of Plaintiff’s **LOWER EAST SIDE™** mark has already caused confusion and is likely to cause future and additional instances of confusion as to the source of clothing products under the **LOWER EAST SIDE™** and/or **LES NYC®** marks owned by Plaintiff.

110. Upon information and belief, Defendant Pixels.com had knowledge of Plaintiff’s ownership rights in the **LOWER EAST SIDE™** and **LES NYC®** marks and failed to

implement any procedure that would prevent its account users from uploading content or designs that included Plaintiff's registered trademarks.

111. Defendant Pixel.com's use of Plaintiff's trademarks is not a fair use as Pixel.com is using the marks for commercial business purposes and for a profit.

112. Defendant Pixels.com, LLC d/b/a Fine Art America has been put on notice of its infringing activity of plaintiff's trademarks and it continues to offer for sale clothing products under Plaintiff's **LOWER EAST SIDE™** and/or **LES NYC®** trademarks.

113. Defendant Sean T. Broihier, is the owner and operator of the website www.fineartamerica.com which sells and promotes artwork on clothing items under Plaintiff's trademarks and as the founder, owner and executive Member of Defendant Pixels.com, LLC has the right and ability to supervise the infringing activity alleged herein, and has a direct financial interest in Defendant Pixels.com, LLC d/b/a Fine Art America, and as such is jointly and severally liable with Defendant Pixels.com, LLC d/b/a Fine Art America.

114. Defendant Fastly, Inc. is a major web hosting company that provides web-hosting and other online services under its control and direction is providing hosting, and online retail store services to the websites www.etsy.com and www.zazzle.com which provides the platform and ability to purchase headwear and other clothing items that infringe Plaintiff's intellectual property rights.

115. Plaintiff provided Fastly, Inc. with an Infringement Notice regarding his trademarks and copyrights that were being infringed but it failed to act expeditiously in removing the infringing content as requested by Plaintiff and as such is liable for contributory trademark and copyright infringement as it is inducing the infringement by continuing to provide hosting services to a website that is engaged in infringing activity against my trademarks and copyrights.

116. Defendant Fastly, Inc. has the ability to manage, monitor and control the infringing activity that violates Plaintiff's trademarks on the www.etsy.com and www.zazzle.com online platforms.

117. Defendant Fastly, Inc. is assisting Defendants Zazzle and Etsy in infringing upon my copyright and trademark rights.

118. Defendant Microsoft Corporation, amongst other things is a major web hosting company that provides web hosting services under its control and direction and is providing hosting, and online retail store services to the website www.spiritshop.com which provides the platform and ability to purchase headwear and other clothing items that infringe Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** trademarks.

119. Plaintiff provided Microsoft Corporation with an Infringement Notice but it failed to act expeditiously in removing the infringing content as requested by Plaintiff.

120. Plaintiff Microsoft Corporation is inducing the infringement of Plaintiff's **LOWER EAST SIDE™** and/or **LES NYC®** marks continuing to provide online and hosting services to Defendant Spirit Shop, Inc. that it knows to be engaged in infringing activities against my trademarks.

121. Defendant Microsoft Corporation has the ability to manage, monitor and control the infringing activity that violates Plaintiff's trademarks on the www.spiritshop.com website.

122. Defendant Hostway Corporation is a major web hosting company that provides web hosting services under its control and direction and is providing hosting, and online retail store services to the website www.fineartamerica.com which provides the platform and ability to purchase clothing items that infringe Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** trademarks.

123. Plaintiff provided Hostway Corporation with an Infringement Notice but it failed to act expeditiously in removing the infringing content as requested by Plaintiff and as such is liable for contributory trademark infringement as it is inducing the infringement by continuing to provide hosting services to the website www.fineartamerica.com, which website is engaged in infringing activity against my **LOWER EAST SIDE™** and **LES NYC®** trademarks.

124. Defendant Hostway Corporation has actual knowledge of the infringing activity and is engaging in willful blindness and the intentional inducement in violation of my trademark rights.

125. Defendant Hostway Corporation has the ability to manage, monitor and control the infringing activity that violates Plaintiff's trademarks on the www.fineartamerica.com website.

126. Defendant Shopify (USA), Inc. is an e-commerce business that provides a platform and online store to third party account users and is providing hosting services and an online store to purchase t-shirts, hoodies and other merchandise and are marketing, promoting, selling and offering for sale via its account holders website www.zeeshirtcollection.com clothing items promoted under Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** trademarks. (See Exhibit Q).

127. Plaintiff provided Shopify (USA) Inc., with an Infringement Notice but it failed to act expeditiously in removing the infringing content as requested by Plaintiff.

128. Although Plaintiff is an account holder himself and offers his own LES Clothing Co. products and store front under the Shopify ecommerce platform, Plaintiff is not bound by the terms of use conditions and/or any jurisdiction mandated by Shopify in relation to any disputes as an account holder in its terms of services as this dispute does not involve any issues or disputes with Plaintiff's Shopify account but rather relates to a dispute of a third party user of the Shopify platform that is offering clothing items that infringes Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** trademarks.

129. Defendant Shopify's use of Plaintiff's trademarks is not a fair use as Shopify and its account user are using the marks for commercial business purposes and for a profit from the website www.zeeshirtcollection.com.

125. Defendant Shopify has the ability to manage, monitor and control the infringing activity that violates Plaintiff's trademarks on the www.zeeshirtcollection.com website.

126. Defendant Shopify's use of Plaintiff's **LOWER EAST SIDE™** mark has already caused confusion and is likely to cause future and additional instances of confusion as to the source of clothing products under the **LOWER EAST SIDE™** and/or **LES NYC®** marks owned by Plaintiff.

127. Defendant Godaddy.com, LLC is a major web hosting company that provides web hosting services under its control and direction and is providing hosting, and online retail store services to the website www.cruvie.com which provides the platform and ability to purchase headwear and other clothing items that infringe Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** trademarks. (See Exhibit R).

128. Plaintiff provided Godaddy.com, LLC with an Infringement Notice but it failed to act expeditiously in removing the infringing content as requested by Plaintiff and as such is liable for contributory trademark infringement as it is inducing the infringement by continuing to provide hosting services to the website www.cruvie.com, which website is engaged in infringing activity against Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** trademarks.

129. Defendant Godaddy.com has the ability to manage, monitor and control the infringing activity that violates Plaintiff's trademarks on the www.cruvie.com website.

130. Defendant GoDaddy has actual knowledge of the infringing activity and is engaging in willful blindness and the intentional inducement in violation of my trademark rights.

131. Defendant Amazon.com LLC is an e-commerce business that is providing an online store and platform to purchase t-shirts, hoodies and other apparel and are publishing, exploiting, marketing, promoting, selling and offering for sale clothing items under designs that infringe Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** trademarks. (See Exhibit S).

132. Of the various **LOWER EAST SIDE™** and/or **LES NYC®** related designs that are offered for sale in connection with clothing by Amazon that infringe Plaintiffs trademarks, there is one specific t-shirt offered by Amazon via its website www.amazon.com that is almost identical to a specific **LOWER EAST SIDE™** design created and offered by Plaintiff on his website www.lesclothing.com. (See Exhibit T).

133. Defendant Amazon.com LLC has been put on notice in regards to its infringement of Plaintiff's trademark and upon information and belief it continues to advertise, promote, sell and offer for sale clothing items that violate Plaintiff's trademark and/or other intellectual property rights. (See Exhibit U).

134. Defendant Amazon.com's continued use of Plaintiff's **LOWER EAST SIDE™** and/or **LES NYC®** marks is likely to continue to cause confusion as to the source of apparel products under the aforementioned marks.

135. Defendant's use of Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** marks has already caused confusion and is likely to cause future and additional instances of confusion as to the source of clothing products under the **LOWER EAST SIDE™** and/or **LES NYC®** marks owned by Plaintiff.

136. Defendant Amazon.com's use of Plaintiff's trademarks is not considered a fair use as Amazon.com is using the marks for commercial business purposes and for a profit.

137. Defendant Amazon.com's infringement of Plaintiff's trademarks is willful as Amazon is aware of the infringing content it is continuing to display, sell and offer for sale from its www.amazon.com website.

138. Defendant Amazon.com has the ability to manage, monitor and control the infringing activity that violates Plaintiff's trademarks and/or copyrights.

139. Defendant Foot Locker Stores, Inc. is a leading retailer of footwear and clothing.

140. Defendant Foot Locker owns, operates and manages a fashion boutique under the name SIX:02 that sells and offers clothing products under Plaintiff's **LOWER EAST SIDE™** and/or **LES NYC®** trademarks. (See Exhibit V).

141. Defendant Foot Locker's Six:02 clothing boutique operates and e-commerce store and more than 30 retail locations nationwide.

142. Defendant Foot Locker Stores is manufacturing, printing, marketing, promoting, selling and offering for sale clothing items displaying and under Plaintiff's **LOWER EAST SIDE™** and/or **LES NYC®** trademarks.

143. Defendant Foot Locker's use of Plaintiff's trademarks is not a fair use as Foot Locker is using the marks for commercial business purposes and for a profit.

144. Defendant Foot Locker's use of Plaintiff's trademarks has already caused confusion and is likely to continue to cause confusion as to the source of clothing products under the **LOWER EAST SIDE™** and/or **LES NYC®** marks.

145. Upon information and belief, Defendant Foot Locker Stores, Inc. operates two of its SIX:02 clothing boutiques in New York County that promote and offer for sale clothing items under Plaintiff's **LOWER EAST SIDE™** and/or **LES NYC®** trademarks.

146. Defendant Foot Locker Stores Inc. has the ability to manage, monitor and control the infringing activity that violates Plaintiff's trademarks.

147. Defendant Brain Buster Enterprises, LLC is an e-commerce retailer and is providing an online store and platform to purchase t-shirts, hoodies and other merchandise and are manufacturing, printing, marketing, promoting, selling and offering for sale via its website www.Teepublic.com clothing items promoted under Plaintiff's **LOWER EAST SIDE™** and/or **LES NYC®** trademarks. (See Exhibit W).

148. Defendant Brain Buster Enterprises use of Plaintiff's trademarks has already caused confusion and is likely to continue to cause confusion as to the source of clothing products under the **LOWER EAST SIDE™** and/or **LES NYC®** marks.

149. Defendant Brain Buster Enterprises use of Plaintiff's trademarks is not a fair use as Brain Buster Enterprises is using the marks for commercial business purposes and for a profit.

150. Defendant Brain Buster Enterprises has the ability to manage, monitor and control the infringing activity that violates Plaintiff's trademarks.

151. Defendant Brain Buster is aware and has knowledge of Plaintiff's ownership rights in the **LOWER EAST SIDE™** and **LES NYC®** marks.

152. Defendant Akamai Technologies, Inc. is a major web hosting company that provides web hosting services under its control and direction and is providing hosting, and online retail store services to Defendant Foot Locker Stores, Inc. for its website www.six02.com which provides the platform and ability to purchase clothing items that infringe Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** trademarks.

153. Plaintiff provided Akamai Technologies with an Infringement Notice but it failed to act expeditiously in removing the infringing content as requested by Plaintiff.

154. Plaintiff Akamai Technologies is inducing the infringement of Plaintiff's **LOWER EAST SIDE™** and/or **LES NYC®** marks by continuing to provide online and hosting

services to Defendant Foot Locker Stores, Inc. that it knows to be engaged in infringing activities against my trademarks.

155. Defendant Akamai Technologies has the ability to manage, monitor and control the infringing activity that violates Plaintiff's trademarks on the www.six02.com website.

156. Defendant Acquia Inc. is a major web hosting company that provides web hosting services under its control and direction and is providing hosting, and online retail store services to the website www.teepublic.com which provides the platform and ability to purchase headwear and other clothing items that infringe Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** trademarks.

157. Plaintiff provided Acquia Inc. with an Infringement Notice but it failed to act expeditiously in removing the infringing content as requested by Plaintiff.

158. Defendant Acquia Inc. is inducing the infringement of Plaintiff's **LOWER EAST SIDE™** and/or **LES NYC®** marks continuing to provide online and hosting services to Defendant Brain Buster Enterprises LLC for its www.teepublic.com website that it knows to be engaged in infringing activities against my trademarks.

159. Defendant Acquia Inc. has the ability to manage, monitor and control the infringing activity that violates Plaintiff's trademarks on the www.teepublic.com website.

160. The Defendants' use of Plaintiff's trademarks and copyrights are done without authorization or consent and Defendants' use of Plaintiff's trademarks and other intellectual property are not considered "fair use" as Defendants' are using the marks for a profit and commercial gain in connection with the sale of clothing and/or receiving commissions from the sale of clothing items bearing Plaintiff's trademarks and/or copyrighted designs.

161. Plaintiff was been contacted by several long-standing customer of his **LES CLOTHING CO™** **LOWER EAST SIDE™** and **LES NYC®** clothing products regarding the

LOWER EAST SIDE™ and **LES™** branded products that are offered and sold by Defendants thinking the products were sponsored, affiliated and/or done in collaboration with Plaintiff and his **LES Clothing Co™** company and business.

162. The Defendants' use of Plaintiff's **LOWER EAST SIDE™** and/or **LES NYC®** brands in connection with clothing has already caused and will continue to cause confusion as to the source or affiliation of the source of the clothing related goods bearing the **LOWER EAST SIDE™** and **LES NYC®** marks. Defendants have several clothing product designs and items that are confusingly similar to various **LOWER EAST SIDE™** and **LES™** designs used on similar clothing items by Plaintiff.

163. The various Defendants business status as major retailers, distributors and/or manufacturers of apparel and related goods also has the capability of causing reverse confusion where consumers of clothing products will think that all **LOWER EAST SIDE™**, **LES™** and **LES NYC®** clothing related products are sponsored or produced by the Defendants.

FIRST CAUSE OF ACTION
TRADEMARK INFRINGEMENT (15 U.S.C. §§ 1114-1116)

164. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 163 of this Complaint.

165. The use in commerce by Defendants of an identical and slightly identical version of Plaintiff's registered trademark is likely to cause confusion, mistake and deception among members of the public and in trade as to the source, origin, or sponsorship of defendants' goods and services. Such use by Defendants constitutes a clear and direct infringement of Plaintiff's rights in and to Plaintiff's registered trademark, and has resulted in injury and damage to Plaintiff that will continue if Defendants are not ordered to cease all use of the **LES NYC®** and **LOWER EAST SIDE™** marks.

SECOND CAUSE OF ACTION

UNFAIR COMPETITION & FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(a))

166. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 165 of this Complaint.

167. Plaintiff has the exclusive right to market, brand and provide clothing related goods using the **LES NYC®** and **LOWER EAST SIDE™** marks.

168. Defendants by reason of the aforementioned acts, have falsely described, represented and designated the origin of its goods and services. Defendants' activities already have confused the public into believing that Defendants and Plaintiff's clothing goods and accessories come from one and the same source, and defendants continued activities are likely to create further confusion and deceive the public concerning the source of the goods/services.

169. Defendants have unfairly profited from the actions alleged herein and will continue to unfairly profit and become unjustly enriched unless and until such conduct is enjoined by this Court.

170. By reason of Defendants willful acts conducted in conscious disregard for Plaintiff's rights, Plaintiff is entitled to treble damages under 15 U.S.C. § 1117(a).

THIRD CAUSE OF ACTION

COMMON LAW TRADEMARK INFRINGEMENT & UNFAIR COMPETITION

171. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 170 of this Complaint.

172. Defendants conduct constitutes deception by which Defendants goods will be palmed off as those of Plaintiff. Such conduct constitutes trademark infringement and unfair competition in violation of the laws of the State of New York.

173. Defendants unauthorized use of Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** marks is likely to continue to cause further confusion to the public as to the clothing goods and accessories of the respective parties.

174. By reason of the foregoing, Defendants have infringed and continues to infringe on Plaintiff's common law rights in the **LOWER EAST SIDE™** and **LES NYC®** marks and Defendants have become unjustly enriched by such acts of infringement.

175. Defendants unlawful conduct has been and will continue to be willful or willfully blind to Plaintiff's rights, as Defendant has reason to know of Plaintiff's rights.

**FOURTH CAUSE OF ACTION
COPYRIGHT INFRINGEMENT**

(against Defendants Zazzle, Inc. Etsy, Inc. and Fastly, Inc. only)

176. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 175 of this Complaint.

177. Plaintiff is the creator, author, and owner of all rights of copyright in and to the Trust No One T-Shirt Design and L Hand Design.

178. Plaintiff acquired its rights to the L Hand Design logo in April of 2012 and Plaintiff has offered for sale and sold clothing items bearing the L Hand Design since that time. Plaintiff acquired copyright protection in the Trust No One T-Shirt Design in 2017 but has been utilizing the design and created the design in 2014.

179. Defendants Zazzle, Etsy, and Fastly without authorization of Plaintiff as the owner of all rights of copyright in the Trust No One T-Shirt Design and L Hand Design, and in violation of 17 U.S.C. §§101 et seq., has intentionally and willfully copied, distributed, and publicly displayed and sold and/or offered for sale, a t-shirt and cap design that is identical or in

the least, substantially similar to the Plaintiff's copyrighted Trust No One T-Shirt Design and L Hand Design, that is used on his clothing items.

180. Defendant's actions constitute copyright infringement and have caused and will continue to cause Plaintiff irreparable harm and injury unless enjoined by this Court.

181. By reason of Defendants infringement of Plaintiff's copyright in his Trust No One T-Shirt Design and L Hand Design, Cap in connection with clothing, Defendants have derived revenues and profits attributable to said infringement, the amount of which has yet to be ascertained.

182. Defendant's infringement of Plaintiff's copyright in the Trust No One T-Shirt Design and L Hand Design, was committed "willfully" as that term is used in 17 U.S.C. §504(c)(2). At all times mentioned herein, and upon information and belief, Defendants were aware of, and had reason to believe, that its acts constituted infringement of Plaintiff's copyrights.

FIFTH CAUSE OF ACTION UNJUST ENRICHMENT

183. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 182 of this Complaint.

184. Defendants has\ve unjustly retained profits from the sale of clothing goods and accessories bearing Plaintiff's **LOWER EAST SIDE™** and/or **LES NYC®** marks.

185. Defendant's actions constitute unjust enrichment.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for relief as follows:

1. Entry of an order and judgment requiring that all Defendants, its subsidiaries, officers, agents, servants, employees, owners, and representatives, and all other persons or entities in active concert or participation with them, be preliminarily and, thereafter, permanently enjoined and restrained from (a) using in any manner the trade name, trademark, domain name or other indicia or origin, including in whole or part the term **LOWER EAST SIDE™**, **LES NYC®**, or any colorable imitation thereof; (b) advertising, operating a website, using business stationary or offering any goods or services using the trade name, trademark, domain name, URL, or any other indicia of origin including in whole or part the term **LES NYC®**, or any colorable imitation thereof; (c) otherwise engaging in any acts of unfair competition and infringement which tend to injure Plaintiff's rights in the **LES NYC®** mark.

2. That Defendant be required to account to Plaintiff for any and all profits derived by it, and to compensate Plaintiff for all the damages sustained by reason of the acts complained of herein, and that the damages herein be trebled pursuant to the Trademark Act.

3. That Defendant be ordered to deliver up for destruction any and all infringing materials bearing the **LOWER EAST SIDE™** and **LES NYC®** marks, and any colorable imitation thereof, in whole or part.

4. That Plaintiff be awarded punitive damages against all Defendants.

5. That Defendant be required to place advertisements or send notifications to past and present customers that it improperly has been using the **LOWER EAST SIDE™** and/or **LES NYC®** marks.

6. That Plaintiff be awarded statutory damages against Zazzle and Etsy in the amount of \$25,000,000.00 for Defendants acts of willful infringement of Plaintiff's copyright.

7. That Plaintiff be awarded the cost and disbursements of this action.

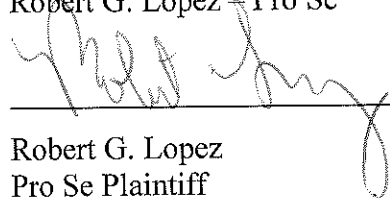
8. That Plaintiff have such other and further relief as the Court deems just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a trial by jury as to all issues.

Dated: January 19, 2018
New York, New York

Respectfully submitted,
Robert G. Lopez Pro Se

A handwritten signature in black ink, appearing to read "Robert Lopez", is written over a horizontal line.

Robert G. Lopez
Pro Se Plaintiff
230 Clinton Street – Apt. #11C
New York, New York 10002
(917) 868-1698

EXHIBIT A

New York State Department of State Certificate of Trademark Registration

I Daniel E. Shapiro, Special Deputy Secretary of State, do certify that the Trademark described below and depicted on the attached copy has been duly registered in this Department pursuant to Article 24 of the General Business Law. This registration will remain in force for TEN years from the Date of Registration.

Registration Number: R31067

Registration Date: 06/06/07

Applicant:

ROBERT G. LOPEZ
230 CLINTON STREET APT. #11C
NEW YORK

NY 10002-

State of Incorporation or
Partnership Organization:

Class Numbers: 25

Date First Used in NYS: 12/1999

Date First Used Anywhere 12/1999

Trademark Description:

LOWER EAST SIDE

The mark is comprised of the words "Lower East Side" in stylized letters with an underline and overline.

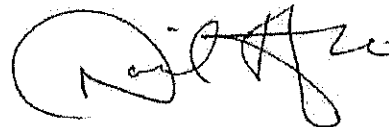
Description of Goods:

Clothing, namely, T-shirts, Hooded Sweatshirts, Vest, Hats and Caps as adopted from the USPTO.

WITNESS my hand and the seal of the State of New York In
the City of Albany on this:

Thursday, August 16, 2007

by:



Special Deputy Secretary of State

DOS-690 (Rev. 3/01)



New York State Department of State Certificate of Trademark Registration

I, Anthony Giardina, Executive Deputy Secretary of State, do certify that the Trademark described below and depicted on the attached copy has been duly registered in this Department pursuant to Article 24 of the General Business Law. This registration will remain in force for TEN years from the Date of Registration.

Registration Number: R32849 ***Registration Date:*** 08/09/16

Applicant: ROBERT G. LOPEZ
230 CLINTON ST. - APT. 11C
NEW YORK NY 10002-

***State of Incorporation or
Partnership Organization:***

Class Numbers: 25

Date First Used in NYS: 12/01/1999 ***Date First Used Anywhere:*** 12/01/1999

Trademark Description:

The mark is comprised of the words LOWER EAST SIDE without claim to any particular font, style or design.

Description of Goods:

Clothing, namely: t-shirts, sweaters, shorts and headwear.

***WITNESS my hand and the seal of the State of New York in
the City of Albany on this:***

Thursday, August 11, 2016

by:



Executive Deputy Secretary of State

EXHIBIT B

United States of America
United States Patent and Trademark Office

LES NYC

Reg. No. 4,549,880

Registered June 17, 2014

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

LOPEZ, ROBERT G. (UNITED STATES INDIVIDUAL)
230 CLINTON STREET - APT. #11C
NEW YORK, NY 10002

FOR: BASEBALL CAPS AND HATS; HOODED SWEATSHIRTS; SHORT-SLEEVED OR
LONG-SLEEVED T-SHIRTS; T-SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 12-0-1999; IN COMMERCE 12-0-1999.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SEC. 2(F).

SER. NO. 85-335,314, FILED 6-1-2011.

ALICE BENMAMAN, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

EXHIBIT C

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Mauri A. Pallante

Acting Register of Copyrights, United States of America

Registration Number
VA 1-765-666

Effective date of
registration:

January 20, 2011

Title

Title of Work: L.E.S. Cap

Completion/Publication

Year of Completion: 2011

Date of 1st Publication: January 20, 2011

Nation of 1st Publication: United States

Author

■ Author: Robert G. Lopez

Author Created: photograph(s)

Work made for hire: No

Citizen of: United States

Domiciled in: United States

Year Born: 1976

Copyright claimant

Copyright Claimant: Robert G. Lopez

230 Clinton Street, New York, NY, 10002, United States

Certification

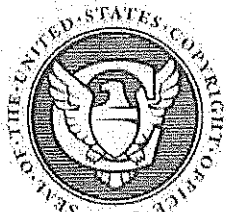
Name: Robert G. Lopez

Date: January 20, 2011

Correspondence: Yes

EXHIBIT D

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Maria A. Pallante

Register of Copyrights, United States of America

Registration Number
VA 1-775-922

Effective date of
registration:

June 1, 2011

Title

Title of Work: 537 Design

Completion/Publication

Year of Completion: 2010

Date of 1st Publication: December 15, 2010

Nation of 1st Publication: United States

Author

■ Author: Thomas Riley

Author Created: 2-D artwork

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

Copyright claimant

Copyright Claimant: Robert G. Lopez

230 Clinton Street - #11C, New York, NY, 10002, United States

Transfer Statement: By written agreement

Certification

Name: Robert G. Lopez

Date: June 1, 2011

EXHIBIT E

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Maui A. Pallante

Register of Copyrights, United States of America

Registration Number
VA 1-818-626

Effective date of
registration:
April 21, 2012

Title

Title of Work: "L Hand" Design

Completion/Publication

Year of Completion: 2012

Date of 1st Publication: April 19, 2012

Nation of 1st Publication: United States

Author

■ Author: Robert G Lopez

Author Created: photograph(s)

Work made for hire: No

Citizen of: United States

Domiciled in: United States

Year Born: 1976

Copyright claimant

Copyright Claimant: Robert G. Lopez

230 Clinton Street - #11C, New York, NY, 10002, United States

Certification

Name: Robert G. Lopez

Date: April 21, 2012

EXHIBIT F



United States Patent and Trademark Office

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Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Jun 2 02:21:45 EDT 2017

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[Logout](#) Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: Record 26 out of 29

[TSDR](#) [Assist Status](#) [Final Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

LOWER EAST SIDE

Word Mark	LOWER EAST SIDE
Goods and Services	IC 025, US 022 039, G & S: Footwear. FIRST USE: 19990616. FIRST USE IN COMMERCE: 19990616
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75652553
Filing Date	March 3, 1999
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	November 30, 1999
Registration Number	2416437
International Registration Number	1220106
Registration Date	December 26, 2000
Owner	(REGISTRANT) PAYLESS SHOESOURCE WORLDWIDE, INC. CORPORATION KANSAS Jayhawk Towers 700 SW Jackson Topeka KANSAS 66603
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	ROBERT CARROLL
Prior Registrations	1795922
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110108.
Renewal	1ST RENEWAL 20110108

EXHIBIT G

10/31/2017

[\(https://www.zazzle.com/\)](https://www.zazzle.com/)

Search for products

<https://www.zazzle.com/co/cart>

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Clothing & Accessories

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Ele

[Clothing \(https://www.zazzle.com/clothing\)](https://www.zazzle.com/clothing) > [Women \(https://www.zazzle.com/womens+clothing\)](https://www.zazzle.com/womens+clothing) >[T-Shirts \(https://www.zazzle.com/womens+tshirts\)](https://www.zazzle.com/womens+tshirts) > [Short-sleeved \(https://www.zazzle.com/shortsleeve+womens+tshirts\)](https://www.zazzle.com/shortsleeve+womens+tshirts)

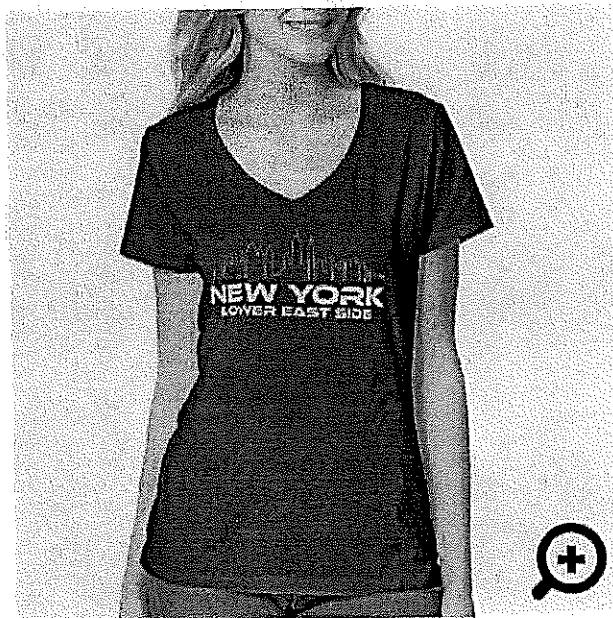
> Printed

New York Lower
East Side T-Shirt\$38.20
per shirt

Qty: 1



Add to Cart

31% Off with code THIRTYONEOFF
★★★★★ 4.5 (600) ends today[Order multiple sizes](#)Designed for you
by [CR8Designs \(https://www.zazzle.com/CR8Designs\)](https://www.zazzle.com/CR8Designs)

Customize



Size

Select a size



Style

Women's Hanes Nano V-Neck
T-ShirtColor
BlackIndependent artist's content may not match model depicted;
RealView™ technology illustrates fit and usage only.

Share this:

EXHIBIT H

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Karen Leigh Clayette

Acting United States Register of Copyrights and Director

Registration Number

VA 2-068-993

Effective Date of Registration:
January 21, 2017

Title

Title of Work: Trust No One T-Shirt Design

Completion/Publication

Year of Completion: 2014
Date of 1st Publication: October 20, 2015
Nation of 1st Publication: United States

Author

- Author: Robert G Lopez
Author Created: 2d artwork
Citizen of: United States

Copyright Claimant

Copyright Claimant: Robert G Lopez
230 Clinton Street, Suite 11C, New York, NY, 10002, United States

Certification

Name: Robert G. Lopez
Date: January 21, 2017

Correspondence: Yes

EXHIBIT I

Trust no one T-Shirt | Zazzle.com

[\(https://www.zazzle.com/\)](https://www.zazzle.com/)

Search for products

<https://www.zazzle.com/co/cart>

Create Your Own

Invitations & Cards

Clothing & Accessories

Home & Living

Ele

[Clothing \(https://www.zazzle.com/clothing\)](https://www.zazzle.com/clothing) > [Men \(https://www.zazzle.com/mens+clothing\)](https://www.zazzle.com/mens+clothing) >[T-Shirts \(https://www.zazzle.com/mens+tshirts\)](https://www.zazzle.com/mens+tshirts) > [Short-sleeved \(https://www.zazzle.com/shortsleeve+mens+tshirts\)](https://www.zazzle.com/shortsleeve+mens+tshirts) >

Printed

Trust no one
T-Shirt

\$27.30

per shirt

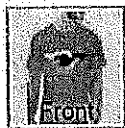
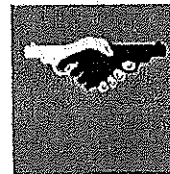
Qty: 1



Add to Cart

★★★★★ 6 (4561)

15% Off With code ZAZCARDSDEAL

[Order multiple sizes](#)Independent artist's content may not match model depicted;
RealView™ technology illustrates fit and usage only.Designed for you
by [FunWithShirt \(https://www.funwithshirt.com/\)](#)[Customize](#)

Size

Select a size



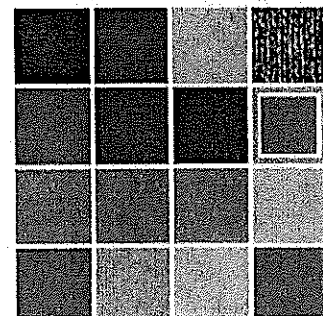
Style

Men's Basic Dark T-Shirt



Color

Red



Share this:

Estimated delivery Nov 13 to Nov 14 via
[Shipping options](#)

EXHIBIT J

Up to 40% Off T-Shirts | 20% Off Sitewide | Use Code: TURKEY20 [DETAILS](#)

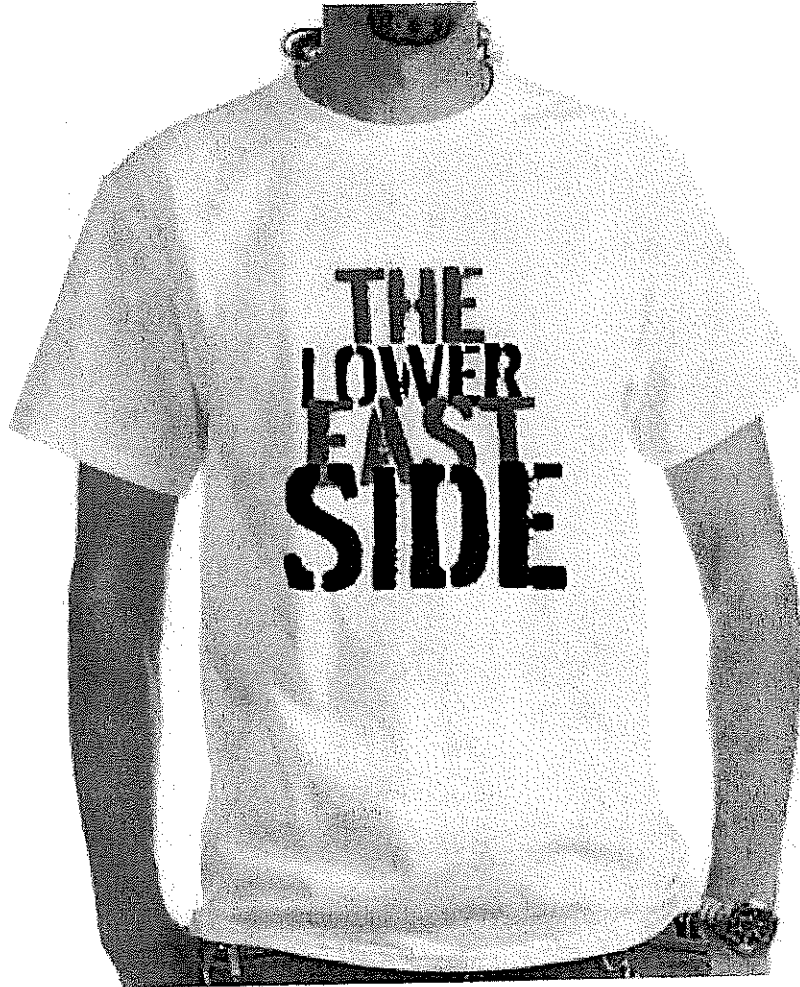


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LES



Sign up now at
25% C

[See Details](#)



THE
LOWER
EAST
SIDE



enter email



No thanks, I'm ready

EXHIBIT K

**ROBERT G. LOPEZ
D/B/A L.E.S. CLOTHING CO.
230 CLINTON STREET HC
NEW YORK, NEW YORK 10002**

April 14, 2011

**VIA FACSIMILE AND
EMAIL COPY**

Ms. Lindsay Moore
Intellectual Property Rights Agent
CafePress.com
1850 Gateway Drive
Suite 300
San Mateo, California 94404

Re: Trademark Infringement Concerns

Dear Ms. Moore:

For many years, I have been operating an independent Clothing company under the name L.E.S. Clothing Co. that sells t-shirts, hooded sweatshirts and various other clothing items under the marks **LOWER EAST SIDE™** and **LES NYC™**.

It has recently been brought to my attention that CafePress.com is both manufacturing and selling several t-shirt's, hooded sweatshirts and caps bearing the mark **LOWER EAST SIDE™** and/or **LES NYC™**. Some of the products I am referencing can be found on your company's website www.cafepress.com and/or www.cafepress.co.uk under the product ID Numbers: 327459422, 450298003, 12953595, 11126149, 201700249, 396888625, and 23502219.

Additionally, the product numbers listed above are not a full list of all of the infringing products sold through your website but a review of each merchants full product listing will show additional clothing items bearing my trademarks **LOWER EAST SIDE™** and **LES NYC™**.

I note that I have expended significant time, resources and finances in building the **LOWER EAST SIDE™** brand and I sell and promote my **LOWER EAST SIDE™** clothing items online via my website www.lesclothing.com and www.facebook.com/lesclothing.

Moreover, I am the owner of New York State Trademark Registration No. R31067 for the mark **LOWER EAST SIDE™** (copy enclosed) and also have common law rights in such

Ms. Lindsay Moore

April 14, 2011

Page 3

mark by virtue of using and selling clothing in various states under the **LOWER EAST SIDE™** mark. Additionally, I also am the owner of New York State Trademark Registration No. R31259 for the mark **LES NYC™**, and have been using the above-referenced marks since at least as early as December of 1999 in conjunction with "clothing, namely; t-shirts, hooded sweatshirts, and caps." I also note that I have sought copyright protection for my **LOWER EAST SIDE™** artwork, designs and product order forms and do currently hold copyright registrations for some works that incorporate **LOWER EAST SIDE™** artwork.

Your companies use, manufacture and sale of similar goods bearing an identical mark constitutes trademark infringement, unfair competition and trademark counterfeiting under state law and in violation of the Lanham Act, 15 U.S.C. §1114 et. seq.

Trademark ownership rights are acquired by (i) the first person or entity to use the mark in commerce, and/or (ii) the first person or entity that registers the mark. In this instance, that is I. Your subsequent (and continuing) use of any variation of the **LOWER EAST SIDE™** mark has caused, and will continue to cause confusion as to the source of the clothing under that mark.

In view of the above, I am demanding that you immediately (i) cease-and-desist from any further use of any variation of the **LOWER EAST SIDE™** mark, (ii) completely remove any and all **LOWER EAST SIDE™** clothing items from your company website (iii) provide us with a complete listing of your current inventory of **LOWER EAST SIDE™** t-shirts, and (iv) provide us with documentation accounting for the dollar amount and number of t-shirts bearing **LOWER EAST SIDE™** that have been sold to date.

After you have complied with the above demands, we will be in a position to negotiate a settlement for any past infringement. If you do not comply with my demands, I will be left with no alternative but to initiate litigation to protect my intellectual property rights.

For your information, I have already enforced my ownership rights in the **LOWER EAST SIDE™** mark against Payless Shoesource Worldwide, Inc.; J. Crew International, Inc.; Aeropostale, Inc., PrintMojo, LLC and several other parties who have utilized my trademark on clothing. I am giving CafePress.com an opportunity to take immediate corrective action to eliminate the possibility of being named as a defendant in a federal trademark infringement action.

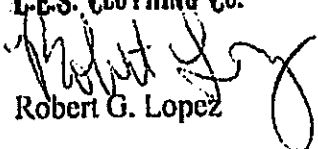
I invite you to contact me to determine if a resolution to this dispute can be achieved. I would expect to hear from a representative of CafePress.com no later than **April 22, 2011**.

Ms. Lindsay Moore

April 14, 2011

Page 3

Very truly yours,
L.E.S. CLOTHING CO.


Robert G. Lopez

Enclosures

EXHIBIT L

Lower East Side Snap-Back

Etsy

Lower East Side snapback

Search

Sell on Etsy Register

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Jewelry &
AccessoriesClothing &
ShoesHome &
LivingWedding &
PartyToys &
EntertainmentArt &
CollectiblesCraft Supplies &
Tools

Vintage



UrbanZoneTshirts

Favorite shop

4
Items

Favorite

Like this item?

Add it to your favorites to revisit it later.

Lower East Side Snap-Back

\$15.00

Ask a question

Quantity



Add to cart

Overview

- Handmade item
- Ships worldwide from United States
- Feedback: 2 reviews
- View shop policies

This shop accepts Etsy gift cards

Favorite

Add to



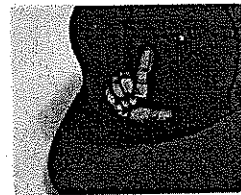
Share



Save



Tweet

UrbanZoneTshirts
in United StatesLower East Side Collection
\$15.00Lower East Side Snap-Back
\$15.00L.E.S. T-shirt
\$15.00Be... radical
\$25.00

Details

This LES hat represents the spirit of the Lower East Side. Put up your "LES" as you rep your hood.

Reviews ★★★★★ (2)

★★★★★

Jan 28, 2016

EXHIBIT M

Etsy

Search for items or shops

Search

Sell on Etsy

Register

Sign in



Jewelry & Accessories

Clothing & Shoes

Home & Living

Wedding & Party

Toys & Entertainment

Art & Collectibles

Craft Supplies & Tools

Vintage



NICKSNDIMES.COM

Favorite shop

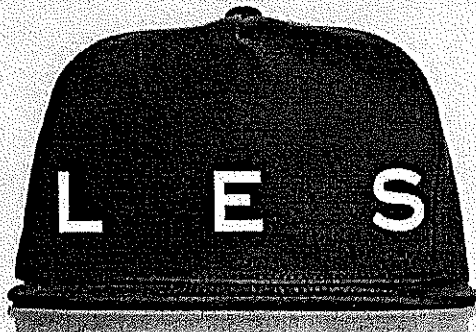


96 items

Favorite

Like this item?

Add it to your favorites to revisit it later.



NICKS n DIMES LES Urban Street Apparel Snapback Hat

\$13.99

Ask a question

Quantity



Add to cart

Overview

- Handmade item
- Primary color: Black
- Feedback: 3 reviews
- View shop policies

This shop accepts Etsy gift cards

Shipping

Made just for you. Ready to ship in 1-2 weeks.
From United States

Get shipping cost

Details

NICKS n DIMES

LES Lower East Side

Urban Street Apparel Snapback Hat

Adjustable Strap

+ More

Reviews ★★★★★ (3)



Reviewed by
TheoryDriven

★★★★★

Jun 28, 2017

Wrong size sent. Also poorly made, an iron-on transfer rather than a silkscreen. Such a cool design, pity about the execution.

NICKS n DIMES Basquiat vs Banksy Graphic T-Shirt



NICKSNDIMES.COM
in Brooklyn, New York

Etsy

Search for items or shops

Search

Sell on Etsy

Register

Sign in



Jewelry & Accessories

Clothing & Shoes

Home & Living

Wedding & Party

Toys & Entertainment

Art & Collectibles

Craft Supplies & Tools

Vintage



ElenaFeliciano

Favorite shop

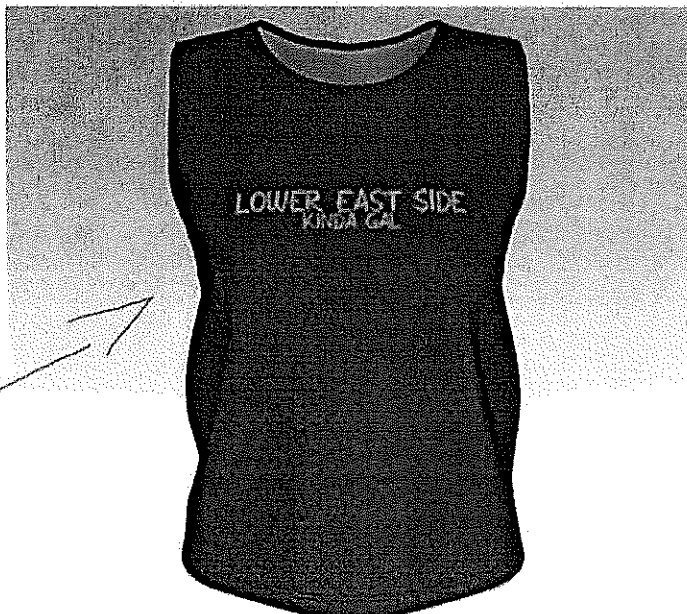


181 items

Favorite

Like this item?

Add it to your favorites to revisit it later.



zoom

Womens Black Tank Top | Relaxed Tee | Loose Fit | Graphic Tank Top | Gray on Black Tank Top | Spandex | Inspirational | Lower East Side

\$28.00

Ask a question

Size

Select an option

Length

Select an option

Quantity

1

Add to cart

Overview

- Handmade item
- Materials: Eco friendly pigment inks, Polyester spandex, Bamboo fabric
- Made to order
- Feedback: 5 reviews
- View shop policies

This shop accepts Etsy gift cards

Details

Dress it up, work out or just lounge in my art adorned Tank Top. My goal is to offer a well made versatile top. Front print only. Gray on Black.

About the LOOSE RELAXED FIT TANK TOPS:

Made with Peachskin Jersey - 92% polyester and 8% spandex on the Front Side
Luxurious bamboo fabric on the backside

Naturally quick dry, our tank tops also make great casual work-out wear
Choose the length you like!

Either our regular (21.5" - 22.5") or long fit (24" - 25")

+ More

Reviews ★★★★★ (5)



Shipping

Made just for you. Ready to ship in 1-2 weeks.
From United States

Get shipping cost

Favorite

Add to

f Share

p Save

t Tweet



ElenaFeliciano

in New York, United States

Etsy

Search for items or shops

Search

Sell on Etsy

Register

Sign in



Jewelry &
Accessories

Clothing &
Shoes

Home &
Living

Wedding &
Party

Toys &
Entertainment

Art &
Collectibles

Craft Supplies &
Tools

Vintage



CaliforniaCultVTG

Favorite shop

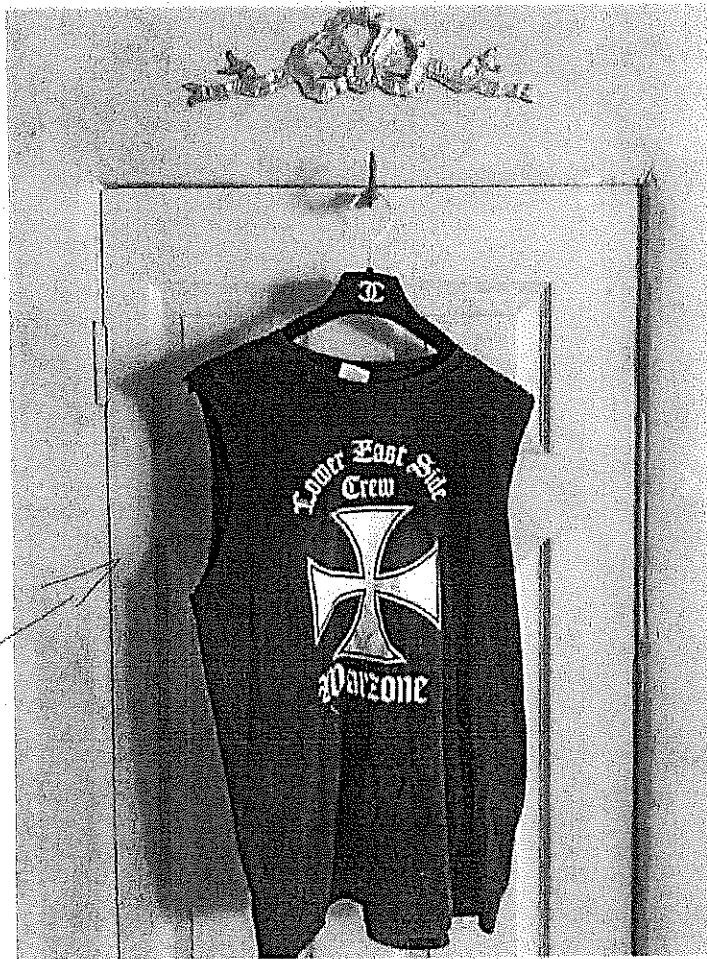


110
items

Favorite

Like this item?

Add it to your favorites to revisit it later.



Biker shirt vintage t shirt punk band tshirt
90s Lower East Side t-shirt muscle tank tee
Iron Cross shirt Cro Mag shirt 1990s New
York tee

\$30.00

Ask a question

Free shipping when you buy 2 items from
CaliforniaCultVTG. See item details below for sale terms.

Add to cart



Don't wait. There's only 1 of these available.

Overview

- Vintage item
- Feedback: 53 reviews
- Favorited by: 17 people
- View shop policies

👛 This shop accepts Etsy gift cards

Shipping

From United States

Get shipping cost

This item may take some time to prepare. Contact the
shop to find out when it will ship.

Favorite

Add to



Share



Save



Tweet



CaliforniaCultVTG
in United States

Sale details

In honor of the best season
California Cult is pleased to
offer you THE FALL SPECIAL:

Get Free Worldwide Shipping

when you order 2 or more ttes

Etsy

Search for items or shops

Search

Sell on Etsy

Register

Sign in

Jewelry &
AccessoriesClothing &
ShoesHome &
LivingWedding &
PartyToys &
EntertainmentArt &
CollectiblesCraft Supplies &
Tools

Vintage



nassirvintage75

Favorite shop

238
items

Favorite

Like this item?

Add it to your favorites to revisit it later.



Q zoom

Vintage DKNY Full Print DKNY Jeans Lower
East Side 50 cotton 50 polyester L size

\$28.00

Ask a question

Add to cart



Don't wait. There's only 1 of these available.

Overview

- Vintage item
- Feedback: 13 reviews
- Favorited by: 5 people
- View shop policies

Shipping

Ready to ship in 3-5 business days
From Malaysia

Get shipping cost

Favorite

Add to



Share



Save



Tweet



nassirvintage75

in Malaysia

Details

DKNY Full print

material 50 cotton 50 polyester

made in Honduras

total length

EXHIBIT N

(/)



Lower East Side Preparatory H S Panther

Shop Now (/school/new-york/new-york/lower-east-side-preparatory-h-s/products)

Top Categories: T-Shirts (/school/new-york/new-york/lower-east-side-preparatory-h-s/t-shirts)
Sweatshirts (/school/new-york/new-york/lower-east-side-preparatory-h-s/sweatshirts)
Jerseys (/school/new-york/new-york/lower-east-side-preparatory-h-s/jerseys)
Hats (/school/new-york/new-york/lower-east-side-preparatory-h-s/hats)
Polos (/school/new-york/new-york/lower-east-side-preparatory-h-s/polo-shirts)
Warm-Ups (/school/new-york/new-york/lower-east-side-preparatory-h-s/warm-ups)

Popular Departments

+ View More (/school/new-york/new-york/lower-east-side-preparatory-h-s/products)

(/school/new-york/new-york/lower-east-side-preparatory-h-s/mens)

(/school/new-york/new-york/lower-east-side-preparatory-h-s/womens)

MENS

203 Items

(/school/new-york/new-york/lower-east-side-preparatory-h-s/kids)

WOMENS

124 Items

(/school/new-york/new-york/lower-east-side-preparatory-h-s/accessories)

KIDS

79 Items

ACCESSORIES

123 Items

(/school/new-york/new-york/lower-east-side-preparatory-h-s/t-shirts)

(/school/new-york/new-york/lower-east-side-preparatory-h-s/sweatshirts)

T-SHIRTS

165 Items

(/school/new-york/new-york/lower-east-side-preparatory-h-s/hats)

SWEATSHIRTS

68 Items

(/school/new-york/new-york/lower-east-side-preparatory-h-s/jerseys)

HATS

34 Items

JERSEYS

87 Items

Newest Team Products

+ View All New Products

(/school/new-york/new-york/lower-east-side-preparatory-h-s/new)



Anvil Lightweight Tshirt 4.5 oz
\$19.95

(/school/new-york/new-york/lower-east-side-preparatory-h-s/product-design_id=143&sid=NY100022313)
1313)



Anvil Women's Lightweight
Tshirt 4.5 oz
\$19.95

(/school/new-york/new-york/lower-east-side-preparatory-h-s/product-1067?
design_id=20283&sid=NY100022313)



Adult Colorblock Raglan
Jersey
\$24.95

(/school/new-york/new-york/lower-east-side-preparatory-h-s/product-1108?
design_id=2577&sid=NY100022313)



EXHIBIT O



Men ▾

Women ▾



Mens "iRep LOWER EAST SIDE" (Blue)

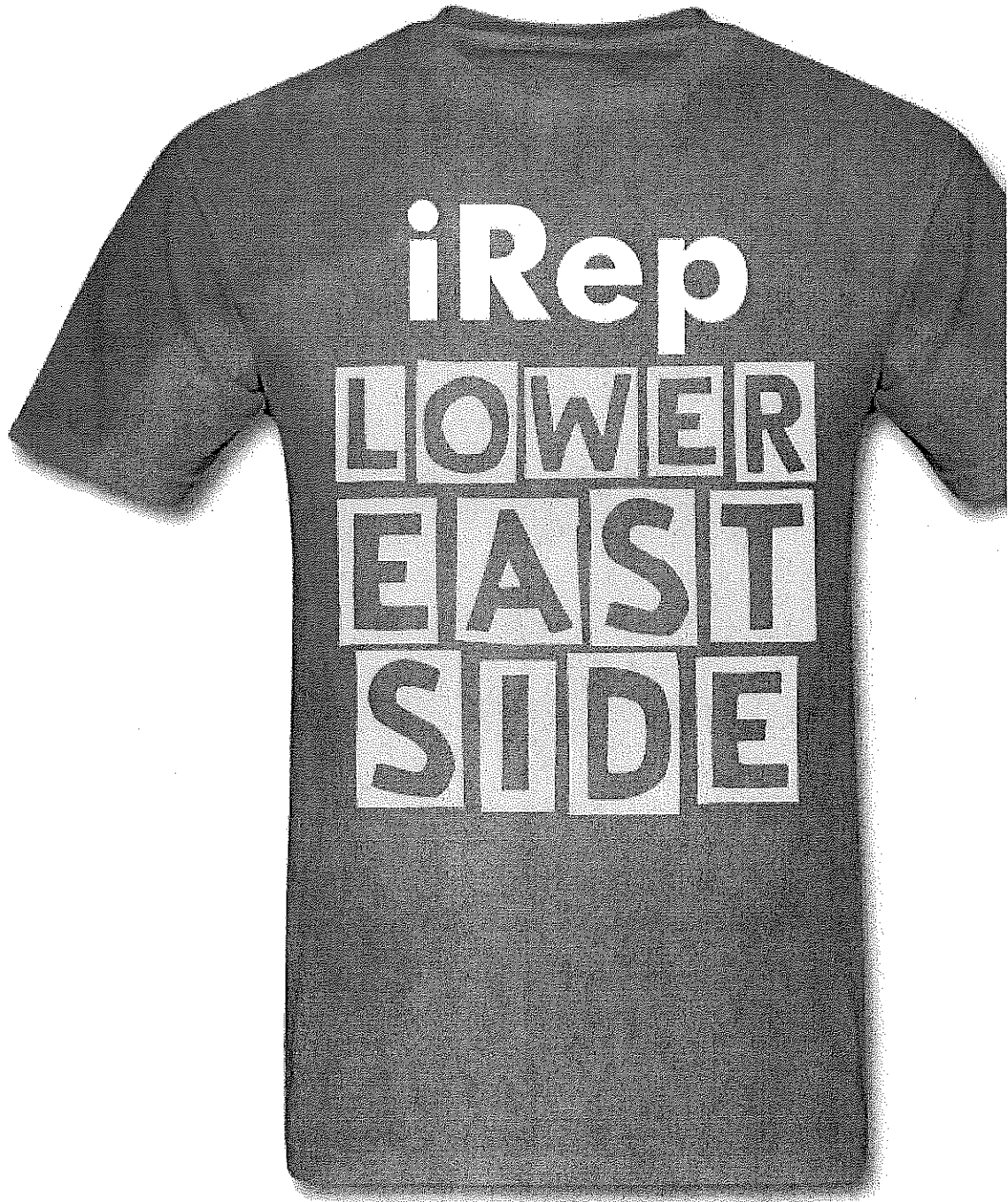


EXHIBIT P



LOWER EAST SIDE T-SHIRTS

[Men's T-Shirts](#)
[Women's T-Shirts](#)
[Kid's T-Shirts](#)
[Baby Onesies](#)
[Sweatshirts](#)

1 - 36 of 410 lower east side t-shirts for sale

[1] 2 3 4 5 Next

SUBJECTS

Lower East Side

[Clear Selection](#)

[View All Subjects](#)

PRODUCTS

Tshirts

TAGS

Lower E...

SORT

All

MEDIUM

All

SIZE & SHAPE

All

COLLECTIONS

All

COLORS

All

TAGS


lower east side
 usa
 manhattan
 new york city
 street
 nyc
 color image
 horizontal
 city
 night
 urban
 evening
 traffic
 travel
 bowery
 streets
 lights
 past
 historical
 night sky
 light
 the bowery
 rail
 railroad
 trains

Lower East Side, Nyc T-Shirt for Sale by Granger

< PREV | NEXT >

0 0 0

Lower East Side, Nyc Men's T-Shirt (Athletic Fit)

 by Granger
\$22.00

ADD TO CART

STYLE

Description

Men's T-Shirt (Athletic Fit)



SIZE

Size Chart

Medium



COLOR



Black



IMAGE SIZE



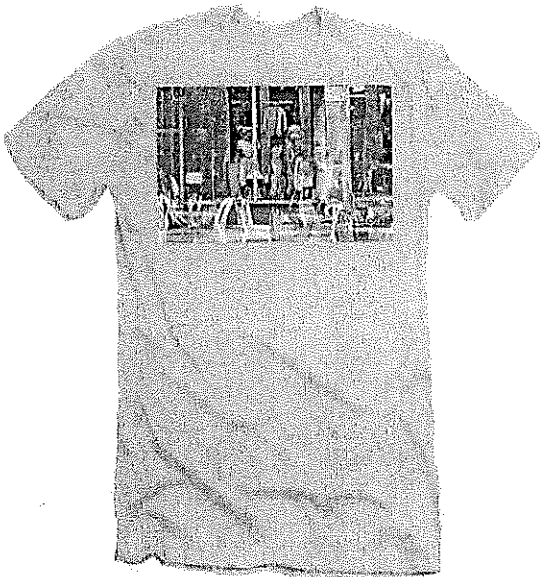
DESCRIPTION

Our Bella / Canvas t-shirts are made from 100% pre-shrunk cotton and are available in five different sizes. All t-shirts are machine washable.

SHIPS WITHIN

1 - 2 business days

ADDITIONAL PRODUCTS



< PREV | NEXT >

0

0

0

Passion Nyc Lower East Side Men's T-Shirt (Athletic Fit)



by Sabine Jacobs

\$30.00

ADD TO CART

STYLE

Description

Men's T-Shirt (Athletic Fit)



SIZE

Size Chart

Medium



COLOR



Cream



IMAGE SIZE



DESCRIPTION

Our Bella / Canvas t-shirts are made from 100% pre-shrunk cotton and are available in five different sizes. All t-shirts are machine washable.

SHIPS WITHIN

1 - 2 business days

ADDITIONAL PRODUCTS



< PREV | NEXT >

5 7 5

Lower East Side - Winter Night - New York City Men's T-Shirt (Athletic Fit)



by Vivienne Gucwa

\$24.50

ADD TO CART

STYLE

Description

Men's T-Shirt (Athletic Fit)



SIZE

Size Chart

Medium



COLOR



Heather



IMAGE SIZE



DESCRIPTION

Our Bella / Canvas t-shirts are made from 100% pre-shrunk cotton and are available in five different sizes. All t-shirts are machine washable.

SHIPS WITHIN

1 - 2 business days



< PREV | NEXT >



Lower East Side At Dusk
From The Brooklyn Bridge
Men's T-Shirt (Athletic Fit)



by Randy Aveille

\$32.00

ADD TO CART

STYLE

Description

Men's T-Shirt (Athletic Fit)



SIZE

Size Chart

Medium



COLOR



Light Blue



IMAGE SIZE



DESCRIPTION

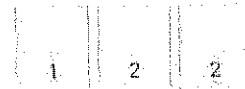
Our Bella / Canvas t-shirts are made from 100% pre-shrunk cotton and are available in five different sizes. All t-shirts are machine washable.

SHIPS WITHIN

1 - 2 business days



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Nyc Lower East Side - 1902 -market Day Men's T-Shirt (Athletic Fit)



by Merton Allen

\$27.00

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STYLE

Description

Men's T-Shirt (Athletic Fit)



SIZE

Size Chart

Medium



COLOR



Black



IMAGE SIZE



DESCRIPTION

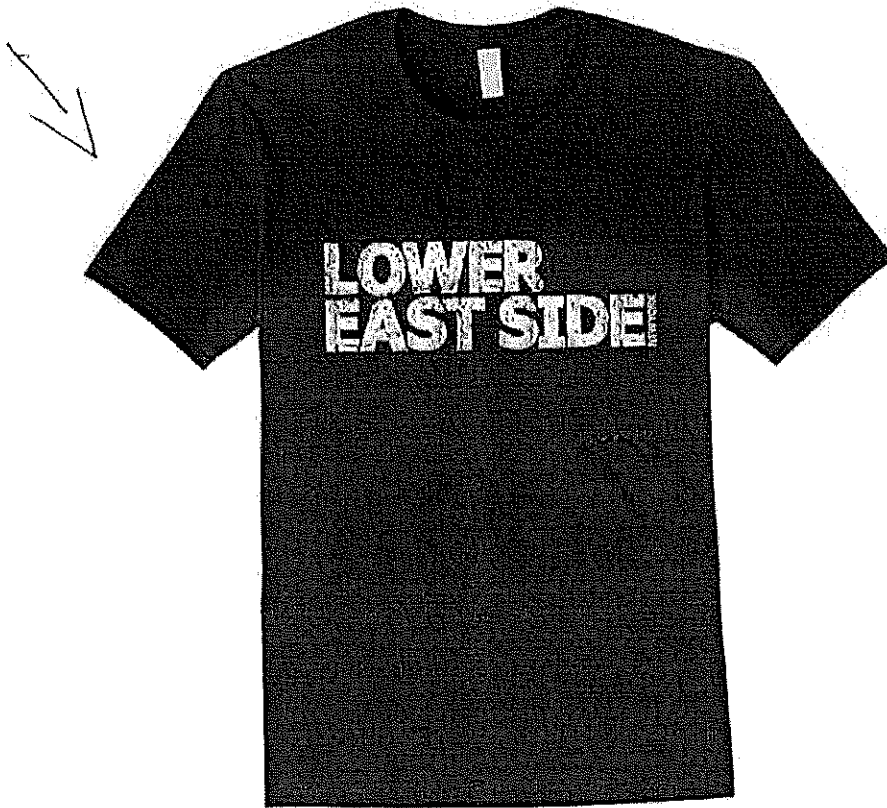
Our Bella / Canvas t-shirts are made from 100% pre-shrunk cotton and are available in five different sizes. All t-shirts are machine washable.

SHIPS WITHIN

1 - 2 business days

EXHIBIT Q

zeeshirtcollection

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Lower East Side, New York City T-Shirt

\$19.99 USD

SIZE	COLOR	PATTERN	QUANTITY
S	Navy	Men	- 1 +

Add to Cart

- Solid colors: 100% Cotton; Heather Grey: 90% Cotton, 10% Polyester; All Other Heathers: 65% Cotton, 35% Polyester
- Imported
- Machine wash cold with like colors, dry low heat
- Fellow New Yorkers, and Fans of New York City will know where your roots. Wear this Lower East Side Tee with pride.
- Treat yourself or buy for friends and family with this cool Manhattan neighborhood Lower East Side Shirt. One of the birth places of grunge rock n roll.
- Lightweight, Classic fit, Double-needle sleeve and bottom hem

Product Description

We Use High Quality And Eco-friendly Material And Inks! We Promise That Our Prints Will Not Fade, Crack Or Peel In The Wash. The Ink Will Last As Long As The Garment! We Do Not Use Cheap Quality T-shirts Like Other Sellers. Our Shirts Are Of High Quality And Super Soft! Perfect Fit For Summer Or Winter Dress!

Payment: We accept payment by Paypal, Credit card and etc. You can contact and requirements payment gateway if you buy in bulk.

Shipping: All orders are typically processed for shipment within 1-4 business day. T Shirts are shipped via USPS with Tracking Number Verification.

See you again soon. Have a great day!

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EXHIBIT R

Tight-Knit - Lower Eastside — Cruvie Clothing Co.

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Orders typically ship within 4-5 business days after the order is processed. Click here to see shipping speeds. x

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Tight-Knit - Lower Eastside

from \$30.00

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Select Style

Size:

Select Size

Quantity:

<http://www.cruvie.com/tight-knit-shop-new-york/tight-knit-lower-eastside?rq=Lower%20Eastside>

12/22/2017

Tight-Knit - Lower Eastside — Cruvie Clothing Co.

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CRUVIE CLOTHING CO., P.O. BOX 42575, ATLANTA, GA 30311 TONY@CRUVIE.COM ([MAILTO:TONY@CRUVIE.COM](mailto:TONY@CRUVIE.COM))

<http://www.cruvie.com/tight-knit-shop-new-york/tight-knit-lower-eastside?rq=Lower%20Eastside>

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Roll over image to zoom in

New York City Grunge Wear

Lower East Side, New York City T-Shirt

Be the first to review this item

Price: \$19.99 & FREE Returns

Fit Type: Men

Men

Youth

Women

Color: Black



Size:

Select

Size Chart

- Solid colors: 100% Cotton; Heather Grey: 90% Cotton, 10% Polyester; All Other Heathers: 65% Cotton, 35% Polyester
- Imported
- Machine wash cold with like colors, dry low heat
- Fellow New Yorkers, and Fans of New York City will know where your roots. Wear this Lower East Side Tee with pride.
- Treat yourself or buy for friends and family with this cool Manhattan neighborhood Lower East Side Shirt. One of the birth places of grunge rock n roll.
- Lightweight, Classic fit, Double-needle sleeve and bottom hem

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Polarized sports
sunglasses

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Product description

Package Dimensions: 15 x 12 x 1 inches

Shipping Weight: 4.8 ounces (View shipping rates and policies)

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Lower East Side™ COKE Classic Tee

\$ 30.00

Size

Small

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Jokertshirt
Lower East Side USA City Parody T Shirt

Be the first to review this item

Price: \$26.99 - \$28.99

Size:

Select Size Chart

Color: Red

- 100% Cotton
- Graphics don't fade or crack
- North American made
- Pre-shrunk

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sdolphin

Polarized sports sunglasses



\$21.99 ✓prime

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Find answers in product info, Q&As, reviews

Product description

This Lower East Side Usa Cola Parody T Shirt is printed on high quality cotton that will amaze. This cool tee is pre-shrunk and the graphics are colorfast. Makes a great gift!

Shipping Information: View shipping rates and policies

ASIN: B01N3CMDJI

Date first available at Amazon.com: February 7, 2017

Average Customer Review: Be the first to review this item

If you are a seller for this product, would you like to suggest updates through seller support?

Customer questions & answers

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Roll over image to zoom in

LOWER EAST SIDE New York City

LOWER EAST SIDE T-Shirt New York City NYC tee

Be the first to review this item

Price: \$13.99 & FREE Returns

Fit Type: Youth

Men

Youth

Women

Color: Heather Gray



Size:

Select

Size Chart

- Solid colors: 100% Cotton; Heather Grey: 90% Cotton, 10% Polyester; All Other Heathers: 65% Cotton, 35% Polyester
- Imported
- Machine wash cold with like colors, dry low heat
- Represent the coolest neighborhood in New York City with this LOWER EAST SIDE tee. This minimalist retro vintage-style t-shirt is perfect for NYC, including Manhattan and even Brooklyn. This cool hip fashion shirt will get attention while shopping!
- This LOWER EAST SIDE tee is made with a fitted cut, please order a size up for a looser fit. Also perfect for the West Village, Soho, Tribeca, Broadway, East Village, or Times Square
- Lightweight, Classic fit, Double-needle sleeve and bottom hem

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Polarized sports
sunglasses

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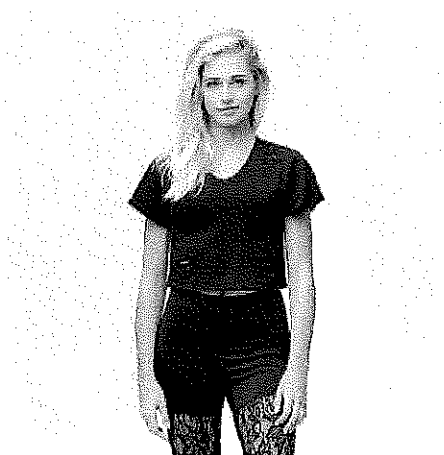
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REFLEX LOWER EAST SIDE T-SHIRT - WOMEN'S

PRICE ~~\$50.00~~ NOW: \$19.99

★★★★★

[Write a review](#)

SIZE

QTY:

1

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Product #: 800070

Selected Style: Black / Shaniece Hairston by Reflex

SHIPS FREE



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[DESCRIPTION](#)

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Designed by Shaniece Hairston, this distressed tee from the Sha by Reflex Collection pays homage to the Lower East Side in Manhattan. Born in the Bronx, and now living in Los Angeles, Hairston created a collection that intertwines the two cities. Inspired by NYC after the sun sets, the LES t-shirt features the perfect amount of distressed detail, a belly-baring fit, and sultry style.

- 15" center back length.
- 60% cotton/40% polyester jersey. Imported.

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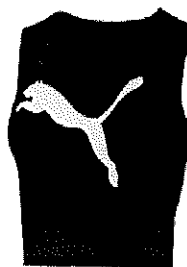
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**REFLEX BROADWAY TANK -
WOMEN'S**

PRICE: ~~\$45.00~~ \$19.99



**PUMA REBEL CROPPED TOP -
WOMEN'S**

PRICE: ~~\$24.99~~ \$19.99



**SPIRITUAL GANGSTER RETRO
RAINBOW TANK - WOMEN'S**

PRICE: ~~\$42.00~~ \$9.99



**LIME AND VINE 3/4 BELL
SLEEVED CROP TOP -
WOMEN'S**

PRICE: ~~\$74.99~~ \$19.99

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EXHIBIT W


$$\begin{matrix} i & j \\ & (/cart) \end{matrix}$$

CASES & STICKERS
(/PHONE-CASE)

Manhattan T-Shirt Design by stbnyc1987 (/user/stbnyc1987)



Sizing

\$20

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Material Info: 100% combed ringspun cotton. 4.3 oz, the perfect weight for a graphic tee and the softest in the business. [Learn More »](#)



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url=http%3A%2F%2Fwww.example.com%2FcanonicalUri=https%3A%2F%2F3A%3A%3A%3A%3A%

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The Luckiest Guy on the Lower East Side T-Shirt

69 Love Songs T-Shirt
 Design by TomMcVeeney (/user/tommcweeney)
 Cuz, I've got wheels and you want to go for a ride...

Color: Creme

Gender:

Style:

Size:

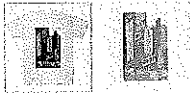
Sizing

\$20

ADD TO CART

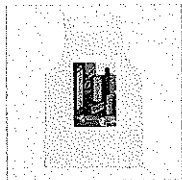
Available In: Classic T-Shirt, Tri-Blend T-Shirt (Extra Soft), V-Neck T-Shirt, Premium T-Shirt (Relaxed Fit), Dolman Tri-Blend T-Shirt (Extra Soft), Slouchy V-Neck, Slouchy T-Shirt, Curvy T-Shirt

Material Info: 100% combed ringspun cotton. 4.3 oz, the perfect weight for a graphic tee and the softest in the business. [Learn More »](#)

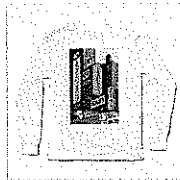


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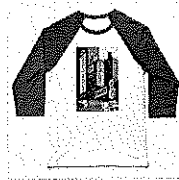
The Luckiest Guy on the Lower East Side Adult Apparel



Tank Top
(/tank-top/502399-the-luckiest-guy-on-the-lower-east-side)



Long Sleeve T-Shirt
(/long-sleeve-t-shirt/502399-the-luckiest-guy-on-the-lower-east-side)



Baseball T-Shirt
(/baseball-tee/502399-the-luckiest-guy-on-the-lower-east-side)



Crewneck
(/crewneck-sweatshirt/502399-the-luckiest-guy-on-the-lower-east-side)

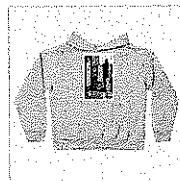


Hoodie
(/hoodie/502399-the-luckiest-guy-on-the-lower-east-side)

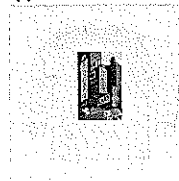
The Luckiest Guy on the Lower East Side Kids Apparel



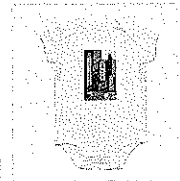
Kids T-Shirt



Kids Hoodie



Kids Long Sleeve T-...



Onesie